

# CLAIMS RESOLUTION TRIBUNAL

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In re Holocaust Victim Assets Litigation  
Case No. CV96-4849

## **Certified Denial**

to Claimant [REDACTED]  
represented by Sara Klompus

## **in re Accounts of Maria Roth and Accounts of Dezsö Roth**

Claim Numbers: 400513/SB; 770464/SB<sup>1,2</sup>

This Certified Denial is based on the claims of [REDACTED], née [REDACTED], (the “Claimant”) to the accounts of Maria (Marika, Mariam, Leah) Roth and Dezsö (Duvid, Hersh) Roth.<sup>3</sup> This Denial is to the published and unpublished accounts of two individuals named Maria Roth (“Account Owner 1” and “Account Owner 2”) at the [REDACTED] (“Bank 1”) and at the [REDACTED] (“Bank 2”), and to the published accounts of Dezsö Roth (“Account Owner 3”) at Bank 2.<sup>4</sup>

All denials are published, but where a claimant has requested confidentiality, as in this case, the names of the claimant, any relatives of the claimant other than the account owner, and the bank have been redacted.

### **Information Provided by the Claimant**

The Claimant submitted a Claim Form in 2005 asserting that her sister and father, Maria Roth and Dezsö Roth, who were Jewish, each owned a Swiss bank account. The Claimant stated that

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<sup>1</sup> In 1999 the Claimant submitted an Initial Questionnaire, numbered ENG 0019095, to the Court in the United States. Although this Initial Questionnaire was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The Initial Questionnaire was forwarded to the CRT and has been assigned claim number 770464.

<sup>2</sup> According to Article 37 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), claims to the same or related accounts may be joined in one proceeding at the CRT’s discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimant in one proceeding.

<sup>3</sup> The CRT did not locate an account belonging to Marika (Mariam, Leah) Roth, or Duvid (Hersh) Roth in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules.

<sup>4</sup> In her claim, the Claimant also claimed the account of Etelka Roth. The CRT will treat the claim to this account in a separate determination.

her sister was born on 30 August 1932 in Ibrany, Hungary and her father was born on 12 November 1900 also in Ibrany and was married to [REDACTED]. The Claimant further stated her parents and sister resided in Ibrany until their deportation and murder by the Nazis in the Holocaust. The Claimant indicated that she was born on 22 August 1926 in Kiskallo, Hungary.

The Claimant previously submitted an Initial Questionnaire to the Court in 1999 asserting her entitlement to a Swiss bank account owned by Marika Roth.

The Claimant submitted documents in support of her claim, including: (1) her sister's birth certificate and (2) her father's birth certificate, which both indicate their respective dates and place of birth.

### **Information Available in the Bank's Records**

The CRT notes that the Claimant submitted a claim to an account belonging to her relatives, Maria Roth and Dezso Roth. The auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") reported four accounts whose owners' names match those provided by the Claimant. Each account is identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

#### Account 1011517

Bank 1's records indicate that Account Owner 1 was Maria Roth. Bank 1's records also indicate Account Owner 1's marital status, married name and maiden name, and two cities and countries of residence.

#### Account 5030209

Bank 2's records indicate that Account Owner 2 was Maria Roth. Bank 2's records also indicate Account Owner 2's city and country of residence and the name of a power of attorney holder. Finally, Bank 2's records contain Account Owner 2's signature and the date on which Account Owner 2 provided the signature.

#### Accounts 5023915 and 5029586

Bank 2's records indicate that Account Owner 3 was Dezsö Roth, who resided in Budapest, Hungary. Bank 2's records also indicate the name of Account Owner 3's wife, the name of a joint account owner and contains Account Owner 3's and the joint account owner's signatures.

## **The CRT's Analysis**

### Admissibility of the Claims

The CRT has determined that the claims are admissible according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules").

### Identification of the Account Owners

As for Account 1011517, the CRT concludes that the Claimant has not identified Account Owner 1 as her relative. Although the name of her sister matches the unpublished name of Account Owner 1, the information provided by the Claimant differs materially from the unpublished information about Account Owner 1 available in Bank 1's records. Specifically, the Claimant stated that her sister was born in 1932 and never married. In contrast, Bank 1's records show that Account Owner 1 was married. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimant's sister are the same person.

As for Account 5030209, the CRT concludes that the Claimant has not identified Account Owner 2 as her relative. Although the name of her sister matches the published name of Account Owner 2, the information provided by the Claimant differs materially from the unpublished information about Account Owner 2 available in Bank 2's records. Specifically, the Claimant stated that her sister was born in 1932. In contrast, Bank 2's records show that Account Owner 2 signed a bank document prior to 1932. Consequently, the CRT is unable to conclude that Account Owner 2 and the Claimant's sister are the same person.

As for Accounts 5023915 and 5029586, the CRT concludes that the Claimant has not identified Account Owner 3 as her relative. Although the name of her father matches the published name of Account Owner 3, the information provided by the Claimant differs materially from the published information about Account Owner 3 available in Bank 2's records. Specifically, the Claimant stated that her father was married to [REDACTED], née [REDACTED]. In contrast, Bank 2's records show that Account Owner 3 was married to a different person. Moreover, the Claimant stated that her father resided in Ibrany, Hungary, whereas Bank 2's records show that Account Owner 3 resided in Budapest, which is over 200 kilometers from Ibrany. Consequently, the CRT is unable to conclude that Account Owner 3 and the Claimant's father are the same person.

### Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant may appeal this Denial to the Court through the Special Masters within ninety (90) days of the date of the letter accompanying this decision. Appeals should be delivered to the following address: Office of Special Master Michael Bradfield, 51 Louisiana Ave., NW, Washington, DC 20001 USA.

The Claimant should send appeals in writing to the above address and should include all reasons for the appeal. If more than one account has been denied in this Certified Denial, the Claimant should identify the Account Identification Number, which forms the basis of the appeal. Appeals

submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

### **Scope of the Denial**

The Claimant should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

### **Certification of the Denial**

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal  
2 June 2006