

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of *Lietuvos Komercijos Bankas*

Claim Number: 217973/WT¹

This Certified Denial is based on the claim of [REDACTED], née [REDACTED] (the “Claimant”) to the published account of *Lietuvos Komercijos Bankas* (the “Account Owner”) at the [REDACTED] (the “Bank”).

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 are redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form asserting that her maternal grandmother, [REDACTED], who was born in 1886 in Vinnitsa, the Ukraine, and who was married to [REDACTED], owned shares in a bank named *Lietuvos Komercijos Bankas*. The Claimant stated that her grandmother, who was Jewish, purchased the shares in the company through the help of a relative in Lithuania who was a businessman. The Claimant stated that her grandmother perished when the Jewish residents of Vinnitsa were massacred during the Second World War.

The Claimant submitted copies of: (1) her own birth certificate, indicating that [REDACTED] was the daughter of [REDACTED], née [REDACTED], and [REDACTED]; (2) her mother’s birth certificate, indicating that [REDACTED] was the daughter of [REDACTED] and [REDACTED]; and (3) her grandmother’s death certificate, indicating that [REDACTED] disappeared during the Second World War and that in 1948 she was declared dead.

The Claimant indicated that she was born on 14 March 1939 in Vinnitsa.

¹ In a decision dated 2 October 2009, [REDACTED] (the “Claimant”) was informed that no accounts belonging to Mehela Mordechai Hafon, Sonia Friedel Miltreiger, or Fridel Ilukim Hafun were found in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

Information Available in the Bank's Records

The Bank's records indicate that the Account Owner was a bank named *Lietuvos Komercijos Bankas*, which was located in Kaunas, Lithuania. The records indicate the type of account held by the Account Owner, and the dates of opening and closing of the account.

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of the Bank to obtain additional information about the Account Owner's account. The Bank provided the CRT with additional documents. These documents indicate the name of an individual connected with the Account Owner, as well as a second city in which the Account Owner was located. These records, like the other records obtained from the Bank, make no mention of an individual or shareholder named [REDACTED].

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The name of the company indicated in the Claimant's claim matches the name of the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The CRT notes that the Claimant has not provided any information as to whether the actual owner(s) of the Account Owner was a Victim of Nazi Persecution. However, the Claimant has made a plausible showing that her grandmother, who she asserts was a shareholder of the Account Owner, was a Victim of Nazi Persecution. The Claimant stated that her grandmother was Jewish and that she perished in the massacre of Jewish residents of Vinnitsa during the Second World War.

The Claimant's Relationship to the Account Owner and Entitlement to the Account

The Claimant indicated that the Account Owner was a bank in which her grandmother held shares. The Claimant did not provide any documentation or other proof that her grandmother had a right of ownership to the Account Owner's assets at the Bank.

According to Article 23(3) of the Rules, if the Account Owner is a legal or other entity (such as a corporation, association, organization, etc.), the award will be made in favor of those claimants who establish a right of ownership to the assets of the entity. In this case, the claimant stated that her grandmother owned shares of the Account Owner. However, the Claimant did not provide any proof or documentation that her grandmother had any rights to the Account Owner's assets. Moreover, the Bank's records do not mention an individual with the Claimant's grandmother's name as shareholder, owner, or member of the board of directors of the Account Owner. Therefore, given that the Claimant has not established a right of ownership to the Account Owner's account, she is not entitled to the Account Owner's account.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, the Claimant may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
30 August 2010