

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Scott A. Halpern, (Claimant) vs. Chapdelaine Corporate Securities, (Respondent)

Case Number: 00-01109

Hearing Site: New York, NY

REPRESENTATION OF PARTIES

Claimant, Scott A. Halpern ("Halpern"), hereinafter referred to as "Claimant": appeared *pro se*, New York, NY.

Respondent, Chapdelaine Corporate Securities ("Chapdelaine"), hereinafter referred to as "Respondent": Jerome Kamerman, Esq., Kamerman & Soniker, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: March 14, 2000.

Claimant Halpern signed the Uniform Submission Agreement: March 22, 2000.

Statement of Answer filed by Respondent Chapdelaine on or about: May 18, 2000.

Respondent Chapdelaine signed the Uniform Submission Agreement: May 15, 2000.

CASE SUMMARY

Claimant asserted the following causes of action: Respondent acted improperly in connection with Claimant's resignation by not paying unemployment insurance and not paying Claimant for the time worked. The cause of action relate to Claimant's resignation based on Respondents alleged failure to provide Claimant with a smoke-free environment.

Respondent denied the allegations made in the Statement of Claim and asserted the following defenses: Claimant failed to state any cause of action upon which relief can be granted; Claimant resigned voluntarily and therefore Respondent owes no wages or other damages; Claimant failed to mitigate his damages by remaining unemployed; Claimant was aware that Respondent was in the process of correcting any alleged health hazards; Claimant was an employee at will; and, Claimant failed to provide any medical documentation that he was allergic to smoke.

RELIEF REQUESTED

Claimant requested unpaid salary in the amount of \$7,291.00; lost wages in the amount of \$175,000.00; and, filing fees in the amount of \$1,425.00.

Respondent requested that the Statement of Claim be dismissed with prejudice, and that they be awarded costs, expenses, and such other and further relief as may be just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent Chapdelaine is liable and shall pay to the Claimant \$12,000.00 in compensatory damages with interest at the legal rate accruing from November 3, 1997 until the award is paid.
2. All other requests for relief are hereby denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee	= \$300.00
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Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the event giving rise to the dispute. In this matter, the member firm is a party.

Member surcharge	= \$1,500.00
Pre-hearing process fee	= \$ 600.00
Hearing process fee	= \$2,500.00

Forum Fees and Assessments

The Panel assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with Panel x \$1,125.00	= \$1,125.00
Pre-hearing conference: December 19, 2000	1 session
One (1) Hearing session x \$1,125.00	= \$1,125.00
Hearing Date: June 27, 2001	1 session
Total Forum Fees	= \$2,250.00

1. The Panel has assessed \$1,125.00 of the forum fees against Claimant.
2. The Panel has assessed \$1,125.00 of the forum fees against Respondent.

Fee Summary

1. Claimant Halpern be and hereby is solely liable for:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$1,125.00
Total Fees	= \$1,425.00
<u>Less payments</u>	<u>= \$1,425.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$ 0.00

2. Respondent Chapdelaine be and hereby is solely liable for:

Forum Fees	= \$1,125.00
Member Fees	= \$4,600.00
Total Fees	= \$5,725.00
<u>Less payments</u>	<u>= \$4,600.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$1,125.00


All balances are due and payable to NASD Dispute Resolution, Inc.

ARBITRATION PANEL

Edward G. Turan, Esq.	-	Industry Arbitrator, Chairperson
John A. Borgese, Esq.	-	Industry Arbitrator
Theresa Y. Hu	-	Industry Arbitrator

Concurring Arbitrators' Signature(s)

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.



Edward G. Turan, Esq.
Industry Arbitrator, Chairperson

Signature Date

John A. Borgese, Esq.
Industry Arbitrator

Signature Date

Theresa Y. Hu
Industry Arbitrator

Signature Date

Date of Service (For NASD office use only)

ARBITRATION PANEL

Edward G. Turan, Esq.	-	Industry Arbitrator, Presiding Chair
John A. Borgese, Esq.	-	Industry Arbitrator
Theresa Y. Hu	-	Industry Arbitrator

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Edward G. Turan, Esq.
Industry Arbitrator, Chairperson

Signature Date



John A. Borgese, Esq.
Industry Arbitrator

Signature Date

Theresa Y. Hu
Industry Arbitrator

Signature Date

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Edward G. Turan, Esq.
Industry Arbitrator, Chairperson

Signature Date

John A. Borgese, Esq.
Industry Arbitrator

Signature Date

Theresa Y. Hu
Industry Arbitrator

7/11/01
Signature Date

Date of Service (For NASD office use only)