

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Dennis Schack, (Claimant) vs. Salomon Smith Barney Inc., (Respondent)

Case Number: 00-05703

Hearing Site: New York, New York

REPRESENTATION OF PARTIES

Claimant, Dennis Schack, hereinafter referred to as "Claimant": Alan J. Tauber, Esq., Slade & Associates, P.C., New York, NY.

Respondent, Salomon Smith Barney Inc., hereinafter referred to as "Respondent": James H. McQuade, Esq., Orrick, Herrington & Sutcliffe LLP, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: December 26, 2000.

Claimant signed the Uniform Submission Agreement: March 29, 2001.

Statement of Answer filed by Respondent on or about: June 22, 2001.

Respondent signed the Uniform Submission Agreement: June 21, 2001.

CASE SUMMARY

Claimant asserted the following causes of action: employment discrimination in violation of the Federal Family and Medical Leave Act of 1993 and unlawful discharge.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted the following defenses: the Statement of Claim fails to state a claim upon which relief may be granted; Claimant's claims are barred in whole or in part by his failure to mitigate his damages, if any; Claimant is not entitled to any of the remedies or relief demanded in the Statement of Claim; and any act or omission that Claimant complains of was taken or made in good faith and Respondent had reasonable grounds for believing that the acts and omissions that Claimant complains of did not violate the Family and Medical Leave Act.

RELIEF REQUESTED

Claimant requested:

1. Compensatory damages for the loss of salary, bonuses, and employment benefits, and the interest accrued on same;
2. Liquidated damages equal to the sum of the amount described in request number one above, and interest accrued thereon;
3. An Award of reasonable attorneys' fees and other costs of this action;
4. Reinstatement to the position of fire safety director with relevant raises and bonuses; and
5. Such other and further relief as the Panel may deem just and proper.

Respondent requested that the Statement of Claim be dismissed in its entirety and that Respondent be granted such relief as the Panel may determine.

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, and the post-hearing submissions, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims be and hereby are dismissed in their entirety.
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	= \$ 250.00
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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 events giving rise to the dispute. In this matter, Salomon Smith Barney Inc. is a party.

Member surcharge	= \$1,200.00
Pre-hearing process fee	= \$ 600.00
Hearing process fee	= \$2,000.00

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 \$1,000.00	= \$1,000.00
Pre-hearing conference: January 3, 2002	1 session
Three (3) Hearing sessions x \$1,000.00	= \$3,000.00
Hearing Dates: May 23, 2002	2 sessions
May 24, 2002	1 session
Total Forum Fees	= \$4,000.00

1. The Panel has assessed \$2,000.00 of the forum fees against Claimant.
2. The Panel has assessed \$2,000.00 of the forum fees against Respondent.

Fee Summary

1. Claimant be and hereby is solely liable for:	
Initial Filing Fee	= \$ 250.00
Forum Fees	= \$2,000.00
Total Fees	= \$2,250.00
Less payments	= \$1,800.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 450.00

2. Respondent be and hereby is solely liable for:

Member Fees	= \$3,800.00
<u>Forum Fees</u>	<u>= \$2,000.00</u>
Total Fees	= \$5,800.00
<u>Less payments</u>	<u>= \$3,800.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$2,000.00

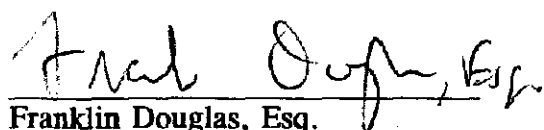
All balances are due and payable to NASD Dispute Resolution, Inc.

ARBITRATION PANEL

Franklin Douglas, Esq.	-	Public Arbitrator, Presiding Chair
Robert M. Goldstein, Esq.	-	Public Arbitrator
Bernard Wray, Esq.	-	Public Arbitrator

Concurring Arbitrators' Signatures

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.



Franklin Douglas, Esq.
Public Arbitrator, Presiding Chair

7/11/2002
Signature Date

Robert M. Goldstein, Esq.
Public Arbitrator

Signature Date

Bernard Wray, Esq.
Public Arbitrator

Signature Date

July 18, 2002
Date of Service (For NASD office use only)

ARBITRATION PANEL

Franklin Douglas, Esq.	-	Public Arbitrator, Presiding
Robert M. Goldstein, Esq.	-	Public Arbitrator
Bernard Wray, Esq.	-	Public Arbitrator

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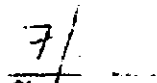
I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7500 of the NASD Code of Professional Ethics and Rules, that I am the individual described herein and who executed the award which is my award.

Franklin Douglas, Esq.
Public Arbitrator, Presiding Chair

Signature



Robert M. Goldstein, Esq.
Public Arbitrator



Signature

Bernard Wray, Esq.
Public Arbitrator

Signature

July 18, 2002
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