

NASD DISPUTE RESOLUTION AWARD

NASD DISPUTE RESOLUTION

CASE: 04-00365

William R. Reffke IRA Rollover, Claimant v. Morgan Stanley DW, Inc. f/k/a Dean Witter Reynolds, Inc. and Dolores Barskis, Respondents.

ATTORNEYS:

Claimant, William R. Reffke IRA Rollover, ("Claimant"), appeared pro se, Huntley, IL.

Respondents, Morgan Stanley DW, Inc. f/k/a Dean Witter Reynolds, Inc. and Dolores Barskis, ("Respondents"), appeared through their in-house counsel, Keith Guilfoyle, Esq., New York, NY.

NATURE OF DISPUTE: Customer v. Member and Associated Person

DATE FILED: January 21, 2004

CASE SUMMARY: Claimant alleged that Respondents breached their fiduciary duty by solely investing Morgan Stanley and Van Kampen funds in his IRA Rollover, and thereby eroding his assets. Claimant maintained that due to Respondents' actions, his IRA Rollover suffered financial losses.

Claim Data

Claim: \$17,718.11
Filing Fees: Unspecified
Other: Unspecified

Award Data

Award: \$12,000.00
Filing Fees: \$425.00
Other: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondents Morgan Stanley DW, Inc. f/k/a Dean Witter Reynolds, Inc. and Dolores Barskis are jointly and severally liable and shall pay to the Claimant \$12,000.00. 2) All other relief requests are denied. 3) Respondent Dolores Barskis' request for expungement is denied. 4) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously. 5) Respondent Morgan Stanley DW, Inc. f/k/a Dean Witter Reynolds, Inc. is liable and shall pay to the Claimant \$425.00 as reimbursement of the filing fee.

OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent Morgan Stanley DW, Inc. f/k/a Dean Witter Reynolds, Inc. has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

Page Two
Award 04-00365

ARBITRATOR

Bradford S. Alen, Esq. - Sole Public Arbitrator

AFFIRMATION

I, Bradford S. Allen, Esq., do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.

Bradford S. Allen
Bradford S. Allen, Esq.

Sept. 3, 2004
Signature Date

September 17, 2004
Date of Service (For NASD-DR office use only)