

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION**

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CASE: 04-07134

Ross Bennick, IRA, (Claimant) vs. Morgan Stanley DW, Inc., (Respondent)

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**ATTORNEYS:**

Claimant appeared pro se, Tomball, TX.

For Respondent appeared in-house counsel Helene J. Jepson, Esq., San Francisco, CA.

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**NATURE OF DISPUTE:** Customer vs. Member

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**DATE FILED:** October 7, 2004

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**CASE SUMMARY:** Claimant alleged that respondent negligently handled his account by failing to, among other things, designate the proper status of the account as per agreement thereby causing Claimant to incur tax penalties. Claimant further alleged negligence regarding the handling of certain documents mischaracterizing the nature of early IRA withdrawals. Claimant's claim did not specify any securities products.

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**Claim Data**

Claim: \$10,000.00  
Punitive: \$10,000.00  
Filing Fees: \$.00  
Other: Unspecified

**Award Data**

Award: \$4,320.00  
Punitive: \$.00  
Filing Fees: \$212.50  
Other: \$.00

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**AWARD:** The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent is liable and shall pay to the Claimant \$4,320.00. 2) All requests for punitive damages are denied. 3) All other relief requests are denied. 4) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously. 5) Respondent is liable and shall pay Claimant \$212.50 as reimbursement of one half of the filing fee.

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**OTHER FEES:** Pursuant to Rule 10333 of the Code, Respondent has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

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Award 04-07134

Russell E. Rains, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Russell E. Rains, 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.



Russell E. Rains, Esq.

30 September 2005  
(Signature Date)

October 3, 2005  
Date of Service (For NASD-DR office use only)