

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Joseph Yasinski (Claimant) v. Citigroup Global Markets, Inc. (Respondent)

Case Number: 04-07467

Hearing Site: New York, New York

Nature of the Dispute: Associated Person v. Member.

REPRESENTATION OF PARTIES

Claimant Joseph Yasinski hereinafter referred to as "Claimant": Neil A. Sussman, Esq.,
Sussman & Frankle, LLP, New York, NY.

Respondent Citigroup Global Markets, Inc. hereinafter referred to as "Respondent": Ira G.
Rosenstein, Esq., Orrick, Herrington & Sutcliffe LLP, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: October 21, 2004
Claimant signed the Uniform Submission Agreement.

Statement of Answer filed by Respondent on or about: February 4, 2005
Respondent signed the Uniform Submission Agreement: March 1, 2005

CASE SUMMARY

Claimant asserted the following causes of action: wrongful withholding of wages, violation of New York Labor Law, breach of contract, breach of fiduciary duty and conversion.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$150,000.00, that Respondent be held accountable for its wrongful conduct, and that an award be rendered against it as follows:

1. Make a full accounting and return all the shares of Citigroup stock it is holding in trust for Claimant;
2. Pay Claimant statutory pre-judgment and post-judgment interest, statutory penalties

- including 25% of the amount of wages determined to have been intentionally withheld, together with attorneys' fees, costs and disbursements;
3. And such other and further relief as the panel deems just and proper.

Respondent requested that the Statement of Claim be in all respects dismissed, and that the Respondent be granted such other and further relief as is just, proper and equitable.

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.

PANEL's DETERMINATION

This Award applies only to work performed in New York; it does not apply to work performed in Arizona.

Based on the documentary evidence and the weight of credible testimony, this Panel concludes that the source of the disputed funds was a discretionary bonus incentive program.

The Panel further concludes that, whereas Respondent's treatment of Claimant was arguably inconsiderate, it did not rise to the level of constructive discharge.

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. Claimant's claims are hereby denied in its entirety.
2. Respondent is liable for and shall pay to Claimant cost of the filing fee in the amount of \$300.00.
3. Any and all relief not specifically addressed herein is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution 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 events giving rise to the dispute. Accordingly, the Respondent Citigroup Global Markets, Inc. is a party.

Member surcharge	= \$ 1,700.00
Pre-hearing process fee	= \$ 750.00
<u>Hearing process fee</u>	= \$ 2,750.00
Total Member fees	= \$ 5,200.00

Forum Fees and Assessments

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

One (1) Pre-hearing session with a single arbitrator @ \$450.00 per session = \$ 450.00
Pre-hearing conference: September 7, 2005 1 session

Two (2) Pre-hearing sessions with Panel @ \$1,125.00 per session = \$2,250.00
April 27, 2005 1 session
August 16, 2005 1 session

Six (6) Hearing sessions @ \$1,125.00 per session = \$ 6,750.00
Hearing Dates: October 5, 2005 2 sessions
October 6, 2005 2 sessions
October 7, 2005 2 sessions

Total Forum Fees = \$ 9,450.00

1. The Panel has assessed \$9,450.00 of the forum fees against Respondent.

Fee Summary

1. Claimant is solely liable for:

<u>Initial Filing Fee</u>	= \$ 300.00
Total Fees	= \$ 300.00
<u>Less payments</u>	= \$ 1,425.00
Refund Due Claimant	= \$ 1,125.00

2. Respondent is solely liable for:

Member Fees	= \$ 5,200.00
<u>Forum Fees</u>	= \$ 9,450.00
Total Fees	= \$ 14,650.00
<u>Less payments</u>	= \$ 5,200.00
Balance Due NASD Dispute Resolution	= \$ 9,450.00

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All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Jeffery Alan Helewitz, Esq.	-	Public Arbitrator, Presiding Chairperson
Denzil J. Klippel	-	Public Arbitrator
Robina Fedora Asti	-	Non-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.



Jeffery Alan Helewitz, Esq.
Public Arbitrator, Presiding Chairperson

OCT 14, 2005

Signature Date

Denzil J. Klippel
Public Arbitrator

Signature Date

Robina Fedora Asti
Non-Public Arbitrator

Signature Date

OCTOBER 20, 2005

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL


Jeffery Alan Helewitz, Esq.	-	Public Arbitrator, Presiding Chairperson
Denzil J. Klippel	-	Public Arbitrator
Robina Fedora Asti	-	Non-Public Arbitrator

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Jeffery Alan Helewitz, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date



Denzil J. Klippel
Public Arbitrator

10/17/2005

Signature Date

Robina Fedora Asti
Non-Public Arbitrator

Signature Date

OCTOBER 20, 2005

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

Jeffery Alan Helewitz, Esq.	-	Public Arbitrator, Presiding Chairperson
Denzil J. Klippel	-	Public Arbitrator
Robina Fedora Asti	-	Non-Public Arbitrator

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Jeffery Alan Helewitz, Esq.
Public Arbitrator, Presiding Chairperson

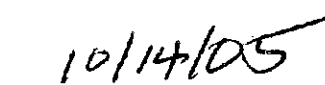
Signature Date

Denzil J. Klippel
Public Arbitrator

Signature Date



Robina Fedora Asti
Non-Public Arbitrator



Signature Date

OCTOBER 20, 2005
Date of Service (For NASD Dispute Resolution use only)