

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 04-07472

Marco Alfonsi, Claimant v. Javier Hernandez, Respondent

ATTORNEYS:

For Claimant Marco Alfonsi ("Claimant") appeared M. David Sayid, Esq., of the firm Sayid and Associates, LLP, New York, NY.

Respondent Javier Hernandez ("Respondent") did not file a Statement of Answer in this matter.

NATURE OF DISPUTE: Associated Person vs. Associated Person.

DATE FILED: October 20, 2004.

CASE SUMMARY: Claimant alleged that Respondent ignored or failed to repay the amount owed on a Judgment. Claimant maintained that due to Respondent's actions, he suffered losses.

ARBITRATOR'S REPORT: The matter submitted is not subject to the arbitration provisions of the Code of Arbitration Procedure. Section 10101 of the Code of Arbitration Procedure limits Matters Eligible for Submission to "any dispute, claim, or controversy *arising out of or in connection with the business of any member of the Association, or arising out of the employment or termination of employment of associated persons with any member...*", between or among members; between or among members and associated persons; between or among members or associated persons and public customers and between or among members and clearing agencies.

The claim that is filed against Hernandez, an associated person, is based on an assignment to the Claimant, an associated person, of a Civil Court judgment that was obtained by a law firm against Hernandez for legal fees that Hernandez owed to the law firm. This matter does not fit into the category of dispute that the Code was intended to include. The matter before me is dismissed because the Arbitrator has no authority to decide it.

Claim Data

Claim: \$6,356.40
Interest: Unspecified
Attorney Fees: Unspecified
Filing Fees: Unspecified
Other: Unspecified

Award Data

Award: \$0.00
Interest: \$0.00
Attorney Fees: \$0.00
Filing Fees: \$0.00
Other: \$0.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of Claimant are dismissed in their entirety. 2) All requests for interest are denied. 3) All requests for attorney fees are denied. 4) All other relief requests are denied. 5) NASD Dispute Resolution shall retain the \$325.00 filing fee that the Claimant deposited previously.

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OTHER ISSUES: Pursuant to the By-Laws of NASD Dispute Resolution, the arbitrator determined that Respondent was served notice of the Statement of Claim and Notification of Arbitrator by regular mail, and Overdue Notice by certified mail, and is therefore bound by the arbitrator's ruling and determination.

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ARBITRATOR

William G. Binckes, Esq. - Sole Public Arbitrator

AFFIRMATION

I, William G. Binckes, Esq., 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.

William G. Binckes, Esq.
William G. Binckes, Esq.

3/9/05
Signature Date

March 14, 2005
Date of Service (For NASD-DR office use only)