

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 05-02636

William Mitchell and Brigette R. Mitchell, (Claimants) vs. First Command Financial Planning, Inc., (Respondent)

ATTORNEYS:

Claimants appeared pro se, Wichita Falls, TX.

For Respondent appeared Ethan H. Cohen, Esq., of the firm Schiff Hardin LLP, Atlanta, GA.

NATURE OF DISPUTE: Customers vs. Member

DATE FILED: May 17, 2005

CASE SUMMARY: Claimants alleged that Respondent made errors in sales charges in their accounts. Claimants maintained that due to Respondent's actions, they suffered financial losses. Claimants' claim did not specify any securities products.

ARBITRATOR'S REPORT: Claimants have demonstrated by virtue of their letter dated July 25, 2005 and enclosures thereto that they have elected not to participate in the punitive class action cited by Respondent, NASD Code of Arbitration Procedure 10301(d)(2).

Claim Data

Claim: \$1,166.62
Filing Fees: \$75.00

Award Data

Award: \$1,166.62
Filing Fees: \$75.00

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 Claimants \$1,166.62. 2) All other relief requests are denied. 3) NASD Dispute Resolution shall retain the \$75.00 filing fee that the Claimants deposited previously. 4) Respondent is liable and shall pay Claimants \$75.00 as reimbursement of the filing fee.

OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent has paid to NASD Dispute Resolution the \$150.00 Member Surcharge previously invoiced.

Page Two
Award 05-02636

Jeffrey M. Bain, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Jeffrey M. Bain, 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.


Jeffrey M. Bain, Esq.

December 16, 2005
(Signature Date)

December 16, 2005
Date of Service (For NASD-DR office use only)