

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 05-04658

Michael J. Osewalt, (Claimant) vs. Mony Securities Corporation, (Respondent)

ATTORNEYS:

Claimant appeared pro se, Bergen, NY.

For Respondent appeared Stephen McDougall, Esq., in-house counsel for AXA Equitable Life Insurance Company, New York, NY.

NATURE OF DISPUTE: Customer vs. Member

DATE FILED: August 31, 2005

CASE SUMMARY: Claimant alleged that Respondent failed to execute an order to move funds to a safer account. Claimant maintained that due to Respondent's actions, he suffered financial losses. Claimant's claim did not specify security products.

ARBITRATOR'S REPORT: After reading all pleadings, as well as the exhibits, I made a decision based on the affidavit submitted by Kevin Sheehan, corroborated by exhibits signed by Claimant and his wife, authorizing the investments. Although Claimant submitted an unsupported statement, which attempted to controvert the Respondent's position, there was not enough evidence to support a prima facie case.

Claim Data

Claim: \$14,000.00
Filing Fees: \$425.00

Award Data

Award: \$.00
Filing Fees: \$212.50

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 the Claimant are dismissed in their entirety. 2) All other relief requests are denied. 3) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously. 4) Respondent is liable and shall pay Claimant \$212.50 as reimbursement of one half of the filing fee.

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 05-04658

Allan H. Kaminsky

Sole Public Arbitrator

AFFIRMATION

I, Allan H. Kaminsky, 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.

Allan H. Kaminsky
Allan H. Kaminsky

1-12-2006
(Signature Date)

JANUARY 17, 2006
Date of Service (For NASD-DR office use only)