

**Award
NASD Dispute Resolution**

In the Matter of the Arbitration Between:

Name of the Claimant
Donato Furlano

Case Number: 05-06747

Name of the Respondent
Fidelity Brokerage Services, LLP

Hearing Site: Washington, D.C.

Nature of the Dispute: Customer vs. Member.

REPRESENTATION OF PARTIES

Donato Furlano, hereinafter referred to as "Claimant", appeared pro se.

For Fidelity Brokerage Services, LLP ("Fidelity"), hereinafter referred to as "Respondent": Melissa Hegger Shea and Laura W. Tholen, Legal Counsel, FMR Corp. Legal Department, Boston, MA.

CASE INFORMATION

Statement of Claim filed on or about: December 30, 2005.

Claimant signed the Uniform Submission Agreement: December 27, 2005.

Statement of Answer filed by Respondent on or about: March 13, 2006.

Respondent signed the Uniform Submission Agreement: January 28, 2006.

Claimant's Motion to Supplement Statement of Claim ("Motion to Supplement") filed on or about: September 18, 2006.

Respondent's response to Claimant's Motion to Supplement filed on or about: October 16, 2006.

Respondent's Motion to Dismiss filed on or about: October 16, 2006.

Claimant's response to Respondent's Motion to Dismiss filed on or about: October 19, 2006.

CASE SUMMARY

Claimant asserted the following causes of action: breach of fiduciary duty; negligence; breach of custodial duty; and, failure to timely process account transfer. The causes of action relate to the transfer of the proceeds of Claimant's Fidelity IRA accounts to Claimant's Federal Government Thrift Savings Plan account.

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 of \$30,459.00, lost earnings of \$2,203.70,

and reimbursement of filing fee.

Respondent requested dismissal of the Statement of Claim, that Claimant be ordered to pay all administrative costs and fees, attorneys' fees, costs.

OTHER ISSUES CONSIDERED AND DECIDED

On or about November 8, 2006, the undersigned arbitrator (the "Arbitrator") entered an order which denied Respondent's Motion to Dismiss and granted Claimant's Motion to Supplement.

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.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

Claimant's Statement of Claim is dismissed, with prejudice.

Each party shall bear its own costs.

Respondent is liable and shall pay to Claimant the sum of \$87.50 representing reimbursement of one-half of the claim filing fee previously paid by Claimant to NASD Dispute Resolution.

Any and all claims for relief not specifically addressed herein are denied.

FEES

Pursuant to the NASD Code of Arbitration Procedure (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	= \$175.00
--------------------------	------------

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, Respondent is a party and member firm.

Member surcharge	= \$ 875.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$1,000.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No adjournment fees were assessed during these proceedings.

Three-Day Cancellation Fees

Fees apply when a hearing on the merits is postponed or settled within three business days before the start of a scheduled hearing session:

No three-day cancellation fees were assessed during these proceedings.

Injunctive Relief Fees

Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court. Parties in these cases are also assessed arbitrator travel expenses and costs when an arbitrator is required to travel outside his or her hearing location and additional arbitrator honoraria for the hearing for permanent injunction. These fees, except the injunctive relief surcharge, are assessed equally against each party unless otherwise directed by the panel.

No injunctive relief fees were assessed during these proceedings.

Forum Fees and Assessments

The Arbitrator has assessed forum fees for each session conducted or each decision rendered on a discovery-related motion on the papers. 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:

Three (3) Pre-hearing sessions with a single arbitrator @ \$450/session	= \$1,350.00
Pre-hearing conferences: June 6, 2006	1 session
July 18, 2006	1 session
November 8, 2006	1 session

Four (4) Hearing sessions @ \$450.00 session	= \$1,800.00
Hearing Dates: December 4, 2006	2 sessions
December 5, 2006	2 sessions

Total Forum Fees	= \$3,150.00
------------------	--------------

1. The Arbitrator has assessed \$1,575.00 of the forum fees to Claimant.
2. The Arbitrator has assessed \$1,575.00 of the forum fees to Respondent.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

No administrative costs were incurred during these proceedings.

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$ 175.00
Forum Fees	= \$1,575.00
Total Fees	= \$1,750.00
Less payments	= \$ 625.00
Balance Due NASD Dispute Resolution	= \$1,125.00

Respondent is solely liable for:

Member Fees	= \$2,625.00
Forum Fees	= \$1,575.00
Total Fees	= \$4,200.00
Less payments	= \$2,625.00
Balance Due NASD Dispute Resolution	= \$1,575.00

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

ARBITRATOR

J. Martin McDonough, Jr., Esq. - Public Arbitrator

Arbitrator's Signature

/s/
J. Martin McDonough, Jr., Esq.
Public Arbitrator

Signature Date

January 5, 2007

Date of Service (For NASD Dispute Resolution use only)

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$ 175.00
Forum Fees	= \$1,575.00
Total Fees	= \$1,750.00
Less payments	= \$ 625.00
Balance Due NASD Dispute Resolution	= \$1,125.00

Respondent is solely liable for:

Member Fees	= \$2,625.00
Forum Fees	= \$1,575.00
Total Fees	= \$4,200.00
Less payments	= \$2,625.00
Balance Due NASD Dispute Resolution	= \$1,575.00

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

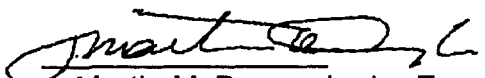
ARBITRATOR

J. Martin McDonough, Jr., Esq.

-

Public Arbitrator

Arbitrator's Signature


J. Martin McDonough, Jr., Esq.
Public Arbitrator

5 January 2007
Signature Date

Date of Service (For NASD Dispute Resolution use only)