



N.A.S.D. AWARD

Arbitration

NATIONAL ASSOCIATION OF SECURITIES DEALERS

National Association of
Securities Dealers, Inc.
NASD Financial Center
33 Whitehall Street
New York, New York 10004

In the Matter of the Arbitration Between

Name of Claimants

Carol A. Hamming
Raymond J. Hamming

vs

Case #
88-01925

AWARD

Name of Respondent

Charles Schwab & Company, Inc.

CASE SUMMARY

This claim was filed on June 15, 1988. Claimants, Carol A. and Raymond J. Hamming, allege that Respondent, Charles Schwab & Company, Inc., without notice to them improperly liquidated their account which consisted of the following securities to satisfy a margin call:

1. 200 shares of Laidlaw Trans.;
2. 500 shares of Scientific Atlanta;
3. 130 shares of Minnetonka.

Respondent denies liability and denies the allegations of wrongdoing. Respondent alleges that the activities complained of occurred during October, 1987. Respondent maintains that Claimants received timely notices that the equity level in their account was low and that if they failed to deposit additional funds, their account would be liquidated. Respondent contends that when Claimants did not place additional funds in their account as promised, the account was liquidated to meet the margin call.

RELIEF REQUESTED

Claimants request that the panel award them \$6,400.00 plus interest. Respondent requests that the panel deny the claim.

HEARD

On September 7, 1990, the undersigned arbitrator heard the controversy between the parties as set forth in submissions to arbitration signed by the Claimants on March 2, 1988, and by Respondent on August 12, 1988. The hearing was conducted in Detroit, Michigan and consisted of one session. This arbitrator, having considered the pleadings, the testimony and the evidence presented at the hearing, has determined in full and final resolution of the issues submitted for determination as follows:

1. Claimants having failed to establish their claim by persuasive and preponderant evidence, I find against the Claimants and in favor of the Respondent;
2. The parties shall each bear their respective costs, including attorney's fees;
3. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the \$200.00 filing fee previously deposited by the Claimant;
4. Forum fees are assessed and divided equally between the parties;
5. Accordingly, Respondent is assessed \$100.00 in forum fees which shall be satisfied upon payment to the Claimant of \$100.00.

ARBITRATOR SIGNATURE


Jack J. Mazzara, Esq.

Dated by the NASD: November 20, 1990