

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of Arbitration Between

MARILYN C. MONCUS

Claimants

v.

MERRILL LYNCH, PIERCE,
FENNER & SMITH, INC.

Respondent

NASD NO. 88-02730
AWARD

On Friday, April 28, 1989, in Nashville, Tennessee, the undersigned arbitrator heard the controversy between the parties as set forth in submissions to arbitration signed on August 24, 1988 by Claimant Marilyn C. Moncus and on November 21, 1988 by Donald Walston on behalf of Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc.

The undersigned arbitrator, having considered the pleadings, the testimony, and the evidence presented at the hearing, has decided in full and final resolution of the issues submitted for determination as follows:

1. The claim asserted against Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc. by Claimant Marilyn C. Moncus is denied and dismissed in its entirety;
2. The parties shall each bear their respective costs and expenses including any attorney's fees incurred in this proceeding; and
3. Pursuant to Section 43(b) of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc., shall retain as forum fees the \$200.00 filing fee previously deposited with the NASD by the Claimant Marilyn C. Moncus.

PRESIDING ARBITRATOR


John R. Voigt, Esq.