

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between
Michael Bywaletz

Claimant(s)

vs.

Wall Street Clearing Co.

Respondent(s)

**NOTICE OF
ARBITRATION
AWARD
89-02496**

CASE SUMMARY

Claimant(s) Michael Bywaletz alleged that Respondent(s) Wall Street Clearing Co. froze Claimant's account without any warning and because of this any profit that could have been made was lost. Additionally Claimant feels he is not liable for the sale of Minimatic shares. Respondent(s) maintain that the Claimant's claim for removal of a trade from his account is unauthorized, also, the Claimant was never deprived of his ability to sell securities in his account by Wall Street Clearing Co.

RELIEF REQUESTED

Claimant(s) Michael Bywaletz requested damages of Four Thousand Six Hundred Thirty Dollars and No Cents (\$4,630.00). Respondent(s) requested dismissal of claim and costs.

AWARD

Pursuant to Section 13 of the NASD, Inc. Code of Arbitration Procedure ("Simplified Arbitration") a single arbitrator, David I. Bursten, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant(s) on September 5, 1989 and by Respondent(s) on October 30, 1989, respectively;

And, that the Arbitrator, having considered the proofs of the Parties, including any additional documentary submissions of the Claimant(s) and the Respondents(s) has decided and determined in full and final resolution of the issue submitted for determination as follows:

The claim of the Claimant is hereby dismissed in its entirety.

The parties shall each bear their respective costs including attorney's fees.

- The \$100.00 filing fee previously deposited with the NASD, Inc. by the Claimant(s) shall be retained by the NASD as costs of this proceeding.

January 3, 1990