

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

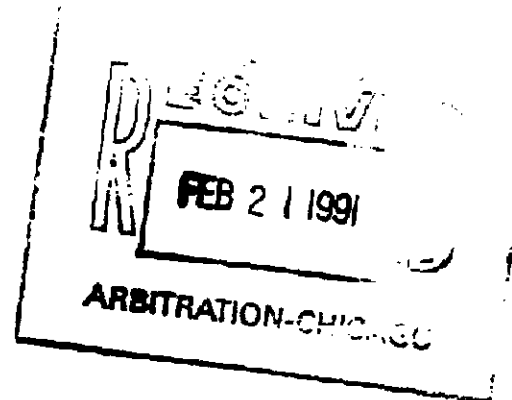
Name of Claimant(s)

Robert G. Mueller

90-01571

Name of Respondent(s)

Merrill Lynch, Pierce, Fenner & Smith, Inc.



CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. ("NASD") on or about June 4, 1990, Robert G. Mueller ("Claimant") alleged that Merrill Lynch, Pierce, Fenner & Smith, Inc. ("Respondent") failed to follow the Claimants order to transfer funds from the CMA to the IRA account and purchase shares of the Respondent's Basic Value Fund for such IRA account. Respondent denied the claims of the Claimant.

RELIEF REQUESTED

Claimant requested actual damages of \$24,647.00, plus cost. Respondent requested that the claim of the Claimant be dismissed.

PROCEDURAL MATTERS

On January 30, 1990 in Kansas City, Missouri, during a hearing lasting a total of three sessions, the undersigned arbitrator heard the controversy between the parties as set forth in submissions to arbitration signed on May 24, 1990 by Claimant and on July 18, 1990 by John R. Cummings on behalf of Respondent.

AWARD

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

1. The Respondent is liable for and shall pay to the Claimant One Thousand One Hundred Dollars (\$1,100.00).
2. The parties shall bear their own cost including attorneys' fees.
3. Pursuant to Section 43(c) of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain \$100.00 of the \$400.00 claim filing fee deposited by the claim and the Respondent shall pay the NASD \$1,200.00.

Arbitrator Signature

Michael William Gear
Michael William Gear

Date of Decision: 2/15/91