

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Blanche I. Schwerin

vs.

90-01797

Name of Respondent

Gregory Schwerin

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on June 25, 1990, Claimant Blanche I. Schwerin, who appeared Pro Se, alleged that Respondent Gregory Schwerin, while employed by Wall Street Financial, which is now bankrupt, made an error regarding a rollover deposit which was never credited to her account; and that the deposit was credited to Respondent Gregory Schwerin's account, who is her brother-in-law. The Claimant contended that she should be compensated for her loss.

Respondent Gregory Schwerin, who appeared Pro Se, maintained that the Claimant did not have a rollover, but that this was a stock purchase plan with contributions. The Respondent also maintained that the Claimant accepted a check for \$5,000.00 from Gregory Schwerin, Sr., without his knowledge, for the shares in question, which are worth half of that.

RELIEF REQUESTED

Claimant Blanche Schwerin requested \$4,986.42 in actual damages.

Respondent Gregory Schwerin requested that the claims of the Claimant be dismissed.

OTHER ISSUES

The motion to dismiss filed by Respondent Gregory Schwerin is denied.

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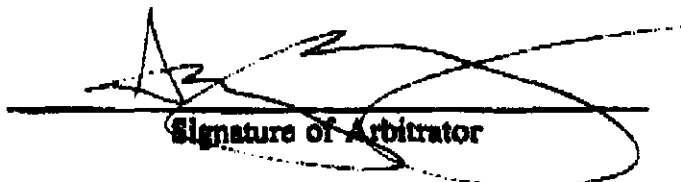
Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Gregory C. Yadley, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on June 25, 1990, but not signed by the Respondent as required by Sections 12 & 13 of the NASD Code of Arbitration Procedure.

And, the Arbitrator, having considered the proof of the Parties, has decided and determined in full and final resolution of the issues submitted for determination as follows:

1. Respondent Gregory Schwerin is liable and shall pay \$1,150.00 in actual damages to Claimant Blanche I. Schwerin.
2. The parties shall bear their respective costs.
3. The \$150.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc.

AFFIRMATION

I, GREGORY C. YADLEY, ESQ., do hereby affirm upon my oath as arbitrator that I am the individual described herein and who executed this instrument, which is my oath and award.


Signature of Arbitrator

DATE OF DECISION: January 14, 1993

calculated as follows: one hearing session times \$300.00/session.

Fees are payable to the National Association of Securities Dealers, Inc.


ARBITRATION PANEL

Name

Public/Industry

Chet Olsen

Public Arbitrator


Chet Olsen

DATE SERVED: 09/08/92

Date of Decision: _____