

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between ;

Norman H. Jasper TTEE The Jasper Trust ;

Claimant ;

vs. ;

CASE# 91-02947
AWARD ;

Shearson Lehman Brothers, Inc. ;

Respondent ;
-----CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on September 23, 1991, claimant Norman H. Jasper, TTEE for the Jasper Trust who appeared pro se, alleged that Respondent Shearson Lehman Brothers, Inc. mishandled his customer account by depositing stock & cash transferred from another brokerage firm, Morgan Stanley, into the wrong account, and that this caused a delay in the sale of securities he intended to sell immediately upon transfer. The claimant further alleged that had the securities been sold at the time of transfer, he would not have suffered a loss. The claimant also alleged that the respondent Shearson Lehman Brothers, Inc. moved shares of Flexible Bond Trust out of his account without his knowledge or consent.

Respondent, Shearson Lehman Brothers, Inc., through their in-house counsel Ann Parry, Esq., maintained that the delay in selling the shares was caused by the Claimant's failure to provide Shearson Lehman Brothers, Inc. with a copy of the trust agreement, which he was informed was necessary. The respondent further maintained that the reason the Flexible Bond Trust shares were removed from the account was due to Morgan Stanley's error; which was the claimant's former firm; Although Morgan Stanley thought it had possession of the shares, when it realized it never had possession of them, it reversed the transfer, and the shares appeared to have been delivered out.

RELIEF REQUESTED

Claimant, Norman Jasper TTEE, The Jasper Trust requested \$7,742.00 in actual damages and the return of 2200 shares of Flexible Bond Trust Inc. stock.

Respondent Shearson Lehman Brothers, Inc. requested the claims of the claimant be dismissed, and that it be awarded costs and

attorneys fees.

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Louis Saxton, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on October 1, 1991 and by the Respondent on November 1, 1991.

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. The Respondent Shearson Lehman Brothers, Inc. is liable and shall pay to Claimant Norman H. Jasper, TTEE of the Jasper Trust \$3,375.00 in actual damages.
2. Claimants claim for 2200 shares of Flexible Bond Trust Inc. is denied.
3. The parties shall bear their respective costs and attorneys fees.
4. The \$150.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD.

AFFIRMATION

I, Louis Saxton, 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.


Louis Saxton

DATE OF DECISION: April 23, 1992