

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between

Vincent E. Cuccio

Claimant

vs.

Dean Witter Reynolds, Inc.

Respondent

**CASE #92-00055**  
**AWARD**

## CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on January 7, 1992, Claimant Vincent E. Cuccio, who appeared Pro Se, alleged that Respondent Dean Witter Reynolds, Inc. failed to follow his instructions to not allow his wife access to his individual money market account, and that she convinced the Respondent to transfer funds from his account to one in which she had access, causing a loss to the Claimant.

Respondent Dean Witter Reynolds, Inc. through its in-house counsel, Edward W. Larkin, Esq., maintained that its conduct is consistent with the instructions it received from Claimant, and that if it is the Claimant's former wife who misappropriated funds, his remedy is to pursue her for repayment.

RELIEF REQUESTED

Claimant Vincent E. Cuccio requested \$2,200.00 in actual damages.

Respondent Dean Witter Reynolds, Inc. requested the claims of the Claimant be dismissed.

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, John P. Cullem, 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 December

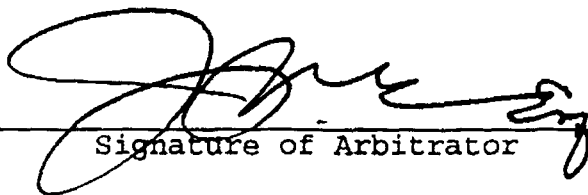
30, 1991 and not signed by the Respondent as required by Sections 12 & 13 of the NASD Code of Arbitration Procedure.

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 Dean Witter Reynolds, Inc. is liable and shall pay to Claimant Vincent E. Cuccio \$828.00 in actual damages.
2. The parties shall bear their respective costs.
3. The \$50.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc. Respondent Dean Witter Reynolds, Inc. is liable and shall pay to Claimant Vincent E. Cuccio \$50.00 as reimbursement.

AFFIRMATION

I, JOHN P. CULLEM, 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.

  
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Signature of Arbitrator

DATE OF DECISION: November 10, 1992