

PUBLIC

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Gerhard Kohlmann

92-01101

Name of Respondent

Dean Witter Reynolds Inc.

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on March 30, 1992. Claimant Gerhard Kohlmann who appeared Pro Se, alleged that Respondent Dean Witter Reynolds, Inc. sent a check from the sale of his Cornerstone Fund to the wrong address. Claimant further alleged that he requested, by letter and phone, that Respondent send this check to Warehouse Securities in Los Angeles, because Claimant had to stay for a long time in a hospital, for this reason Claimant could not take care of this check in the hospital. Claimant contended that after months when he came home from the hospital he found this check and sent it back to Respondent's Houston Office, and asked for the lost interest for six months, which he has not received.

Respondent Dean Witter Reynolds, Inc. by and through their in-house counsel Rachel Ruiz, Esq., maintained that Claimant Gerhard Kohlmann specifically told him that his check would be sent to his address of record and Claimant did not instruct Respondent otherwise. Respondent further maintained that Claimant received the applicable Cornerstone prospectus which described the redemption process. Respondent contended that after the check was sent, 6 months went by before Claimant's complaint, and Respondent is not responsible for Claimant's absence from home.

RELIEF REQUESTED

Claimant Gerhard Kohlmann requested \$1,256.00 in actual damages plus interest.

Respondent Dean Witter Reynolds, Inc. requested the claim be dismissed.

AWARD

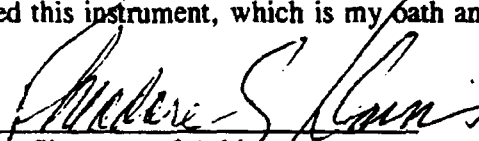
Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Theodore Davis, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on July 20, 1992 and by the Respondent on February 19, 1993.

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 claim of Claimant Gerhard Kohlmann against Respondent Dean Witter Reynolds Inc. is dismissed.
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 Gerhard Kohlmann shall be retained by the NASD.

AFFIRMATION

I, Theodore Davis, 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: MAY 24 1993

NASD DATE OF DECISION: June 2, 1993