

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the matter of the Arbitration Between

Name of Claimant(s)

Krista Clem

NASD Arbitration
No. 92-04083

Name of Respondent(s)

Prudential Securities Incorporated
James Harrington

REPRESENTATION

For Claimant: Krista Clem, Lafayette, California

For Respondent: Kirsten Hotchkiss, Esq., Prudential Securities
Incorporated, New York, New York

CASE INFORMATION

Statement of Claim filed: December 3, 1992
Supplement to Claim filed: January 16, 1994
Claimant's Submission Agreement signed: December 2, 1992

Joint Statement of Answer filed by Respondents: April 30, 1993
Supplement to Answer filed: January 13, 1994
Respondents' Submission Agreements signed as follows:
Prudential Securities Incorporated: May 3, 1993
James Harrington: April 30, 1993

HEARING INFORMATION

Pre-Hearing Conference Date(s)/Session(s):
January 13, 1994 (one session)
Hearing Date(s)/Session(s): January 28, 1994 (two sessions)
Hearing Location: San Francisco, California

CASE SUMMARY

Claimant alleged that she was wrongfully discharged by Prudential Securities Incorporated (PSI) and also alleged discrimination and defamation.

Respondents denied Claimant's allegations and alleged that Claimant's employment at PSI was terminated because of her unsatisfactory attendance.

RELIEF REQUESTED

At hearing, Claimant requested approximately \$120,000.00 in compensatory and punitive damages.

Respondents requested dismissal of Claimant's claims.

OTHER ISSUES CONSIDERED AND DECIDED

The parties have agreed that the Award in this matter may be executed in either counterpart copies or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the Award while the originals remain on file with the National Association of Securities Dealers, Inc. (NASD).

AWARD

After considering the pleadings, the testimony and the evidence presented at the hearing, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims for discrimination and defamation are dismissed.

2. All claims by Claimant against Respondent James Harrington are dismissed.

3. With respect to the wrongful termination claim, Respondent Prudential Securities Incorporated is solely liable for and shall pay to Claimant the sum of \$10,000.00.

4. Claimant's claim for punitive damages is dismissed.

5. Respondent Prudential Securities Incorporated is solely liable for and shall submit an amended U-5 form for Krista Clem reflecting the following change:

(a) Page 1, paragraph 12, reasons for termination: voluntary. The box reflecting voluntary termination should be checked, and the other boxes left blank. No explanation shall be given.

6. The parties shall each bear their respective costs including attorney's fees.

FORUM FEES

Pursuant to Section 44(c) of the Code of Arbitration Procedure, the following forum fees are assessed: The panel acknowledged that Claimant's hearing session deposit was waived by the Director of Arbitration. Forum fees are assessed against:

Prudential Securities Incorporated, solely, in the amount of \$900.00, calculated as follows: One pre-hearing session times \$300.00/session plus two hearing sessions times \$300.00/session.

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

ARBITRATORS

<u>Name</u>	<u>Public / Industry</u>
Blake Weston, Esq.	Industry Arbitrator
Anne Hennegar	Industry Arbitrator
Thomas W. Borden	Industry Arbitrator

Concurring Arbitrators' Signatures

Blake Weston
Blake Weston, Esq.

Anne Hennegar

Thomas W. Borden

Date of Decision: Feb. 8, 1994

Date Served: 02/18/94