

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION, INC.**

CASE: 99-04579

Wayne Kersh, claimant vs. Fidelity Brokerage Services, Inc., respondent.

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**ATTORNEYS:**

Claimant appeared Pro Se, East Meadow, NY.

For Respondent appeared in-house counsel Richelle S. Kennedy, Esq., Boston, MA.

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**DATE FILED:** October 11, 1999

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**CASE SUMMARY:** Claimant alleged that he requested a transfer-in-kind 401k rollover, but respondent incorrectly filed for either a transfer-in-kind or a cash rollover of his 401K to a Fidelity IRA. Claimant further alleged that his company made a cash disbursement, and that an employee of respondent pressured him into buying back the original fund. Claimant maintained that there was a transaction charge associated with the buy-back that he had not been informed of.

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**Claim Data**

Claim: \$1,123.60

Filing Fees: Unspecified

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**Award Data**

Award: \$1,123.60

Filing Fees: \$75.00

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**AWARD:** The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent is liable and shall pay to the claimant \$1,123.60. 2) All other relief requests are denied. 3) The \$75.00 filing fee previously deposited with NASD Dispute Resolution, Inc. by the claimant, shall be retained by NASD Dispute Resolution, Inc. 4) Respondent is liable and shall pay claimant \$75.00 as reimbursement of the filing fee.

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**OTHER FEES:** Pursuant to Rule 10333 of the Code, respondent has paid to NASD Dispute Resolution, Inc. the \$150.00 Member Surcharge previously invoiced.

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**OTHER ISSUES:** The Arbitrator granted the request of Respondent Fidelity Brokerage Services, Inc., that it be substituted as the respondent instead of Fidelity Investment Institutional Services Company.

Page Two  
Award 99-04579

**AFFIRMATION**

I, Maria D. Cirillo, do hereby affirm, pursuant to article 7507 of the Civil Practice law and Rules, that I am the individual described herein, and who executed this instrument which is my award.

A handwritten signature in dark ink, appearing to read "Maria D. Cirillo", written over a horizontal line.

Maria D. Cirillo

October 24, 2000

Date of Award