

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Robert Louis Henning

Case Number: 19-03704

vs.

Respondent
Ameriprise Financial Services, Inc. n/k/a
Ameriprise Financial Services, LLC

Hearing Site: Detroit, Michigan

Awards are rendered by independent arbitrators who are chosen by the parties to issue final, binding decisions. FINRA makes available an arbitration forum—pursuant to rules approved by the SEC—but has no part in deciding the award.

Nature of the Dispute: Customer vs. Member

REPRESENTATION OF PARTIES

Claimant Robert Louis Henning (“Claimant”) appeared pro se and through Dawn M. Gibbons, Power of Attorney for Claimant, Drummond Island, Michigan.

For Respondent Ameriprise Financial Services, Inc. n/k/a Ameriprise Financial Services, LLC (“Respondent”): Sydney Crowder, Esq., Ameriprise Financial Services, LLC, Minneapolis, Minnesota.

CASE INFORMATION

Statement of Claim filed on or about: December 16, 2019.
Claimant signed the Submission Agreement: December 29, 2019.

Statement of Answer filed on or about: February 21, 2020.
Respondent signed the Submission Agreement: February 21, 2020.

CASE SUMMARY

In the Statement of Claim, Claimant asserted the following causes of action: breach of fiduciary duty and breach of contract. The causes of action related to Claimant’s allegation that, after being served with a court order, Respondent froze Claimant’s IRA account and released the funds to the State of Michigan without safeguarding the account or properly advising Claimant that his account was frozen, that information was being sought, and that funds were being sent to the State of Michigan.

Unless specifically admitted in the Statement of Answer, Respondent denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested that Respondent be required to reimburse Claimant for the full amount held in his IRA account on October 5, 2018 and accrued interest up to February 12, 2019.

In the Statement of Answer, Respondent requested that the Arbitrator dismiss the Statement of Claim with prejudice and award Respondent its forum costs and fees in having to defend this matter.

In correspondence dated December 29, 2019, Claimant confirmed that he was requesting damages of \$69,000.00.

OTHER ISSUES CONSIDERED AND DECIDED

The Arbitrator acknowledges having read the pleadings and other materials filed by the parties.

In an Order dated October 14, 2021, the Arbitrator directed the parties to advise whether they consented to waiving the hearing and having a decision entered based on the parties' written submissions. On November 5, 2021, Claimant filed notice of the parties' stipulation to the Arbitrator deciding this matter based on written submissions. In an Order dated November 8, 2021, the Arbitrator confirmed that, pursuant to the parties' stipulation, this matter would be decided on written submissions.

AWARD

After considering the pleadings and the parties' written submissions, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims are denied in their entirety.
2. Any and all claims for relief not specifically addressed herein, including any requests for punitive damages, treble damages, and attorneys' fees, are denied.

FEES

Pursuant to the Code of Arbitration Procedure, the following fees are assessed:

Filing Fees

FINRA Dispute Resolution Services assessed a filing fee* for each claim:

Initial Claim Filing Fee	= \$	975.00
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**The filing fee is made up of a non-refundable and a refundable portion.*

FINRA Dispute Resolution Services previously deferred Claimant's filing fee of \$975.00. Upon conclusion of the matter, the Arbitrator determined to waive the fee.

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, as a party, Respondent is assessed the following:

Member Surcharge	= \$	1,100.00
Member Process Fee	= \$	2,250.00

Postponement Fees

Postponements granted during these proceedings for which fees were assessed or waived:

October 6, 2021, postponement requested by the parties	WAIVED
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Hearing Session Fees and Assessments

The Arbitrator has assessed hearing session fees for each session conducted. A session is any meeting between the parties and the Arbitrator, including a pre-hearing conference with the Arbitrator, which lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) pre-hearing sessions @ \$450.00/session	= \$	900.00
Pre-Hearing Conferences: September 14, 2021	1 session	
October 14, 2021	1 session	

Decision on the papers:	= \$	300.00
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Total Hearing Session Fees	= \$	1,200.00
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The Arbitrator has assessed \$225.00 of the hearing session fees to Claimant.

The Arbitrator has assessed \$975.00 of the hearing session fees to Respondent.

All balances are payable to FINRA Dispute Resolution Services and are due upon receipt.

ARBITRATOR

Robert J. Scafuri

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Sole Public Arbitrator

I, the undersigned Arbitrator, do hereby affirm that I am the individual described herein and who executed this instrument, which is my award.

Arbitrator's Signature

Robert J. Scafuri

Robert J. Scafuri
Sole Public Arbitrator

12/02/2021

Signature Date

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December 02, 2021

Date of Service (For FINRA Dispute Resolution Services use only)