

**Award**  
**FINRA Dispute Resolution Services**

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In the Matter of the Arbitration Between:

Claimant  
George D. Gammill

Case Number: 21-01805

vs.

Respondent  
Charles Schwab & Co., Inc.

Hearing Site: Birmingham, Alabama

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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

This case was administered under the Special Proceeding option for simplified cases.

The evidentiary hearing was conducted by videoconference.

**REPRESENTATION OF PARTIES**

For Claimant George D. Gammill: Kenneth H. Looney, Esq., Scottsboro, Alabama.

For Respondent Charles Schwab & Co., Inc.: Amanda M. Saykes, Esq. and Garrett R. Wynne, Esq., Charles Schwab & Co., Inc., Lone Tree, Colorado.

**CASE INFORMATION**

Statement of Claim filed on or about: June 29, 2021.

George D. Gammill signed the Submission Agreement: June 18, 2021.

Statement of Answer filed by Respondent on or about: October 28, 2021.

Charles Schwab & Co., Inc. signed the Submission Agreement: October 28, 2021.

**CASE SUMMARY**

In the Statement of Claim, Claimant asserted a cause of action for failure to protect the integrity of Claimant's Account. The cause of action relates to a third-party gaining access to Claimant's account and wiring funds from the account.

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: reimbursement of \$9,900.00; interest; and attorneys' fees.

In the Statement of Answer, Respondent requested: dismissal of Claimant's Statement of Claim in its entirety; forum fees and costs; and such further relief as the Arbitrator deems just and proper.

**OTHER ISSUES CONSIDERED AND DECIDED**

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

**AWARD**

After considering the pleadings, the testimony and evidence presented at the hearing, and any post-hearing submissions, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent is liable for and shall pay to Claimant the sum of \$9,900.00 in compensatory damages.
2. Respondent is liable for and shall pay to Claimant the sum of \$75.00 as reimbursement for the non-refundable portion of the claim filing fee previously paid by Claimant to FINRA Dispute Resolution Services.
3. Any and all claims for relief not specifically addressed herein, including any requests for punitive damages, treble damages, interest, and attorneys' fees, are denied.

**FEES**

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

**Filing Fees**

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

Initial Claim Filing Fee = \$ 325.00

*\*The filing fee is made up of a non-refundable and a refundable portion.*

**Member Fees**

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

Member Surcharge = \$ 325.00

**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:

One (1) pre-hearing session with a single Arbitrator @ \$250.00/session	= \$	250.00
Pre-Hearing Conference: November 22, 2021	1 session	

One (1) hearing session with a single Arbitrator @ \$250.00/session	= \$	250.00
Hearing: March 16, 2022	1 session	

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Total Hearing Session Fees	= \$	500.00
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The Arbitrator has assessed \$125.00 of the hearing session fees to Claimant.

The Arbitrator has assessed \$375.00 of the hearing session fees to Respondent.

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

**ARBITRATOR**

Frances Johnson Wright

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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**

***Frances Johnson Wright***

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Frances Johnson Wright  
Sole Public Arbitrator

**03/19/2022**

\_\_\_\_\_  
Signature Date

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March 21, 2022

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