

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Dimitrina K. Atanasova

Case Number: 21-02451

vs.

Respondent
Merrill Lynch, Pierce, Fenner & Smith Incorporated

Hearing Site: Boston, Massachusetts

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: Associated Person vs. Member

The evidentiary hearing was conducted by videoconference.

REPRESENTATION OF PARTIES

For Claimant Dimitrina K. Atanasova: Megan Christensen, Esq., Stevens & Lee, P.C., Lawrenceville, New Jersey.

For Respondent Merrill Lynch, Pierce, Fenner & Smith Incorporated: Joanne Welcomes, Esq., Morgan, Lewis & Bockius LLP, New York, New York.

CASE INFORMATION

Amended Statement of Claim filed on or about: September 28, 2021.

Second Amended Statement of Claim filed on or about: November 22, 2021.

Dimitrina K. Atanasova signed the Submission Agreement: September 27, 2021.

Statement of Answer filed by Respondent on or about: November 17, 2021.

Merrill Lynch, Pierce, Fenner & Smith Incorporated signed the Submission Agreement: January 24, 2022.

CASE SUMMARY

In the Second Amended Statement of Claim, Claimant asserted the following cause of action: expungement of Form U5/termination based on the defamatory nature of the entry.

In the Statement of Answer, Respondent did not oppose Claimant's expungement request.

RELIEF REQUESTED

In the Second Amended Statement of Claim, Claimant requested: expungement of the termination information from Claimant's CRD record, and reformation of her CRD records changing the reason for termination to "Voluntary"; expungement of the "Yes" answers on Claimant's Form U5, amending those "Yes" responses to "No"; and a deletion of any of the accompanying Termination Disclosure Reporting Pages in their entirety and expunging the current termination explanation in full; and compensatory damages in the amount of \$1.00 from Respondent.

In the Statement of Answer, Respondent requested that all costs and fees be assessed solely against Claimant.

At the hearing, Claimant withdrew the request for \$1.00 in damages.

OTHER ISSUES CONSIDERED AND DECIDED

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

A Statement of Claim was filed on September 27, 2021. It was not served on Respondent and not considered by the Arbitrator.

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. The Arbitrator recommends the expungement of the Reason for Termination and Termination Explanation in Section 3 of Dimitrina K. Atanasova's (CRD Number 6817011) Form U5 filed by Merrill Lynch, Pierce, Fenner & Smith Incorporated (CRD Number 7691) on March 5, 2020 and maintained by the Central Registration Depository ("CRD"). The Reason for Termination shall be changed to "Voluntary", and the Termination Explanation should be deleted in its entirety and shall appear blank. This directive shall apply to all references to the Reason for Termination and Termination Explanation.

The Arbitrator further recommends the expungement of all references to Occurrence Number 2064514 from the registration records maintained by the CRD for Dimitrina K. Atanasova. Any "Yes" answers should be changed to "No," as applicable.

The Arbitrator recommends expungement based on the defamatory nature of the information. The above recommendations are made with the understanding that the registration records are not automatically amended. Dimitrina K. Atanasova must forward a copy of this Award to FINRA's Credentialing, Registration, Education and Disclosure Department for review.

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 = \$ 50.00

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 events giving rise to the dispute. Accordingly, as a party, Respondent is assessed the following:

Member Surcharge = \$ 150.00

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 @ \$50.00/session = \$ 50.00
Pre-Hearing Conference: January 27, 2022 1 session

One (1) hearing session on expungement request @ \$50.00/session = \$ 50.00
Hearing: February 28, 2022 1 session

Total Hearing Session Fees = \$ 100.00

The Arbitrator has assessed the total hearing session fees to Claimant.

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

ARBITRATOR

Richard J. Grahn

-

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

Richard J. Grahn

Richard J. Grahn
Sole Public Arbitrator

03/10/2022

Signature Date

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.

March 11, 2022

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