

Arbitration Decisions

ARBITRATION CASE #1519

September 23, 1975

PLAINTIFF: The Pillsbury Company, Minneapolis, Minnesota

DEFENDANT: Interstate Commodities, Inc., Troy, New York

The dispute involved the condition of six cars of middlings sold by the Plaintiff and purchased by the Defendant. The amount of the claim was \$8,853.42 together with the costs of arbitration.

The case includes two issues:

Issue #1 -- The rejection of 4 boxcars of middlings by the Defendant. Cars involved: MON 794 - ACL 31292 - MON 10387

It was the unanimous decision of the Arbitration Committee that these cars were applicable on contract. Therefore the Defendant must reimburse the Plaintiff for the contents plus any losses incurred or sustained by having these cars diverted to other destinations. Any inspection charges should be shared equally by both parties involved in this dispute.

Issue #2 -- Cars involved: MON 959 - MP 14523

Again by unanimous opinion of the Arbitration Committee, the Plaintiff diverted the remaining two cars without notifying the Defendant until September 30, 1974, and must reimburse the Defendant at the market price on this date. The basis of the original contract was Boston. Therefore, the adjustment on these two cars must be based on Boston.

The market as reported in the Feed Bulletin covering September, 1974, denoted an average price of \$121.00 on September 30th.

ARBITRATION COMMITTEE of the
NATIONAL GRAIN AND FEED ASSOCIATION

/S/ Arthur R. Hill, Chairman
Arthur R. Hill, Inc.
Seattle, Washington

/S/ Robert Martin
Martin Feed Mills, Inc.
New Paris, Indiana

/S/ Charles Miller
Peavey Company Flour Mills
Denver, Colorado

August 7, 1975