

Arbitration Decisions

Case No. 1496

Plaintiff: Continental Grain Company, Omaha, Nebraska
Defendant: Sterling H. Nelson & Sons, Inc., Salt Lake City, Utah

Decision of Arbitration Committee: In favor of Defendant. Plaintiff did not appeal.

Following is the decision of the Arbitration Committee of the Grain & Feed Dealers National Association:

"This Committee has carefully reviewed the arguments and rebuttals of the Plaintiff and Defendant, along with the supporting documents and affidavits each has submitted, discussed the various aspects of the case as presented and make the following finding:

1. The confirmations of the parties to the arbitration are substantially in agreement, and while 'time of shipment' on both confirmations is loosely drawn and somewhat vague, both indicate that buyer will give seller notification on method and time of shipment.
2. The buyer did properly notify seller of desire to have the last 5 carloads (10,000 bu.) due on the contract shipped on July 3rd, by telephoning seller's elevator at Shelton, Nebraska, and did confirm these instructions by TWX to seller's Omaha office the next day.
3. Seller's agent at Shelton did properly understand buyer's shipping instructions, but through carelessness or negligence billed them, or allowed them to be billed by the railroad agent, prior to buyer's requested date.
4. This failure by seller to follow shipping instructions of the buyer resulted in a loss to buyer on three of the cars in the amount of \$649.36.

Therefore, in this case we find for the Defendant, Sterling H. Nelson & Sons, Inc., deny the Plaintiff's, Continental Grain Company, claim for payment, and assess the costs of this arbitration against the Plaintiff."

Signed by the three members of the Arbitration Committee.

MAY 31 60