



NATIONAL GRAIN AND FEED ASSOCIATION

Arbitration Decisions

October 28, 1982

Arbitration Case Number 1593

Plaintiff: AGRI Industries, Inc., Des Moines, Iowa

Defendant: Independent Grain Dealers, Fort Wayne, Indiana

Statement of the Case

On July 1, 1982, Independent Grain Dealers was notified that AGRI Industries, Inc. had requested that arbitration proceedings be initiated against Independent Grain Dealers. The dispute involved the unload weights on three cars of corn with car number ACFX 98116, 98111 and 98102. In accordance with Arbitration Rule 5(d) the Contract for Arbitration was completed by both parties on August 6, 1982.

The Plaintiff, AGRI Industries, Inc., filed its first argument pursuant to Arbitration Rule 7(b) on September 8, 1982. A copy was sent to the Defendant, Independent Grain Dealers, in care of its attorney, Mr. Pennock, Hodson & Pennock, Centralia, Illinois. Accordingly, Arbitration Rule 7(d) permitted the Defendant until October 4, 1982 to file its answer. No answer was filed.

Arbitration Rule 7(h) provides that a party shall be in default if it fails to comply with the time limits in Rule 7(h). There was, without a doubt, such a failure in this case by the Defendant. No judicial or quasi-judicial proceeding can function effectively unless the time limits specified in their applicable rules are observed and enforced.

The Decision

Accordingly, pursuant to its rules, the Defendant, Independent Grain Dealers, is deemed by the National Grain and Feed Association to be in default, and judgment is awarded to the Plaintiff, AGRI Industries, Inc., as requested in its complaint in the amount of \$1,545.84.