

AMERICAN ARBITRATION ASSOCIATION

In the Matter of the Arbitration between:
01-19-0003-484

Case Number:

Justin Thrasher ("Claimant")

-vs-

1Debit, Inc. and The Bancorp Bank ("Respondents")

AWARD OF ARBITRATOR

I, Bernard D. Beitch, THE UNDERSIGNED ARBITRATOR, having been designated in accordance with the arbitration agreement entered into by the above-named parties, and having been duly sworn, and oral hearings having been waived in accordance with the Rules, and having fully reviewed and considered the written documents submitted to me by the parties with Claimant represented by Blake Thomas, Esq. and Respondents by Allison Bowers, Esq., do hereby, AWARD, as follows in a short concise reasoned AWARD as requested by the parties:

I FIND as follows:

- Respondents met their burden of proof to the effect that it is more likely than not that the charges in question were authorized.
- Respondents failed to comply with the requirement of law that the notice of their decision contain a detailed explanation for the denial. In addition, Respondents failed to timely comply with Claimant's request for copies of documents relied upon.

Respondents' argument that they acted in good faith must fail because they were aware of other Awards submitted and industry practices and

nevertheless acted as they did.

The Applicable regulations do not require success as a requisite to collecting statutory damages.

The amount of statutory damages is limited to \$1000.00 per individual claim and not per violation.

Claimant made no claim for actual damages resulting from the statutory violations.

- The Law provides for payments of Claimant's reasonable legal fees. However, no showing of reasonableness was made in the request, not even by assertion in Mr. Thomas' Declaration.

Nevertheless, I am loathe to award no counsel fees, for what was clearly an expenditure of time and effort. Based on the fees in other Awards and my own discretion, I award the fees provided for in this Award


- There is no showing that this Claim was filed in bad faith or for harassment which would be required for me to award counsel fees to Respondents

Therefore, I AWARD as follows:

- In favor of Respondents and against Claimant on his Claim for actual damages, in the sum of \$2500.00.
- In favor of Claimant and against Respondents, jointly and severally in the sum of \$1000.00 for statutory damages
- In favor of Claimant and against Respondents, jointly and severally in the sum of \$3000,00 for counsel fees.
- The administrative fees of the American Arbitration Association (AAA) totaling \$1900.00, and the compensation of the arbitrator totaling \$1,500.00 shall be borne as incurred.

The above sums are to be paid on or before 10 days from the date of this Award.

- This Award is in full settlement of all claims submitted to this Arbitration. All claims not expressly granted are hereby denied.



Bernard D. Beitch, Arbitrator

March 20, 2020
Date