



U.S. COMMODITY FUTURES TRADING COMMISSION

Three Lafayette Centre
1155 21st Street, NW, Washington, DC 20581

OFFICE OF
PROCEEDINGS

STEPHEN MUSSELMAN,
Complainant

v.

THOMAS EWING BROWN,
Respondent

CFTC Docket No. 97-R026

OFFICE OF PROCEEDINGS
FEB 26 12 13 PM '98
FILED

FINAL DECISION

Complainant filed his reparations complaint selecting a voluntary decisional proceeding, a choice concurred in by the respondent. In a voluntary proceeding, the parties submit their dispute on the papers only, waiving their right to present oral testimony. In addition, the judge is not authorized to conduct discovery on his own motion (see Rule 12.34), leaving the parties solely responsible for the development of the record. When the record is closed, the judge issues a Final Decision containing only a conclusion whether any violations have been proven, and, if so, a reparation award for any damages caused by such violations (see Rule 12.106(b)). The decision does not contain findings of fact or other evidentiary evaluations by the judge. The Final Decision is not appealable either to the Commission or to any U.S. Court of Appeals (see Rule 12.106(d)).

In this matter, the record consists of the complaint and the answer filed by respondent Brown. Neither party took discovery or submitted a verified statement, although complainant submitted a copy of Brown's answer with complainant's comments and notations that have been considered although they are unsworn.

Upon careful consideration of the record, it is concluded that complainant has failed to establish any violative conduct on the part of respondent. Accordingly, the complaint is **DISMISSED**.

Dated: February 26, 1998

JOEL R. MAILLIE
Judgment Officer