



NATIONAL GRAIN AND FEED ASSOCIATION

# Arbitration Decisions

August 16, 1977

ARBITRATION CASE NUMBER 1533

PLAINTIFF: BUNGE CORPORATION

DEFENDANT: THE EARLY & DANIEL CO., INC.

This case hinged on the single issue as to whether proper notification of unload (Barge 1BL79) was given in accordance with barge rule 2(A), which was in effect at the time of the transaction in question.

The amount of the claim was \$3,133.16.

The evidence presented by the defendant clearly showed a call to the plaintiff about two minutes after having received a call from Louis Dreyfus Corp. on the unload weight of the barge. We do not know who made the call or who received the call, or its contents -- however, a call was made.

It is our belief after reviewing the Bunge documents that their claim has not been substantiated beyond reasonable doubt. While we do not question the integrity of the affiants, we do not believe the affidavits substantiate Bunge's claim that no phone advice was given.

Due to the lack of hard evidence on behalf of plaintiff and the circumstantial evidence presented by the defendant, we find for the defendant -- Early and Daniel Co.

Respectfully,

M. J. Eberts, Chairman  
Peavey Company

Manuel Blanco  
Con Agra, Inc.

James Hessburg  
Cargill, Inc.