

Committee Action

NATIONAL GRAIN & FEED ASSOCIATION

October 24, 1972

ARBITRATION CASE NO. 1510

PLAINTIFF: Tabor & Company, Cedar Rapids, Iowa

DEFENDANT: Continental Grain Company, Des Moines, Iowa

This dispute involved the responsibility for grade deterioration and failure to unload the whole of one carload of soybeans.

By unanimous agreement, the Arbitration Committee finds for the Defendant, Continental Grain Company of Des Moines, Iowa.

The car was purchased by Tabor & Co. and was loaded at Alta Vista, Iowa, October 18, 1971. Tabor & Company applied the car against a sale they had previously made to Cargill, Inc. at Cedar Rapids, who in turn applied the car against a sale previously made to Continental Grain Co., Des Moines.

In order to avoid "stop for inspection charges", Tabor & Co. requested the car be billed waiver inspection and sent direct to Continental Elevator KK in Milwaukee.

On November 8, 1971, the car was inspected at the KK Elevator, Milwaukee including a federal appeal. Approximately 7/8 of the car was unloaded at the KK Elevator. The balance, approximately 1/8, was refused by the elevator for unloading because of its quality, and failing disposition instruction from Tabor & Co. via Cargill was disposed of.

The Arbitration Committee carefully examined the testimony and exhibits submitted by both Plaintiff and Defendant. The examination proves to the satisfaction of the Arbitration Committee that the Defendant abided by both the applicable Grain Trade Rule (#17) and also with the terms and conditions of their contract.

Arbitration Committee of the
National Grain and Feed Association

/S/ Ralph Bruce, Chairman
ADM Grain Co., Decatur, Illinois
Vern Walters
Grain Processing Corp., Muscatine, IA
Harold Bergerson
Saginaw Grain Co., Saginaw, MI