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ES CLAIMS TRIBUNAL

دیوان داورى دعاوى ایران - ایالات متحدہ

ORIGINAL DOCUMENTS IN SAFE

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Case No. 11157

Date of filing: _____

** AWARD - Type of Award Final
- Date of Award 4. May 88
3 pages in English 4 pages in Farsi

** DECISION - Date of Decision _____
0 pages in English _____ pages in Farsi

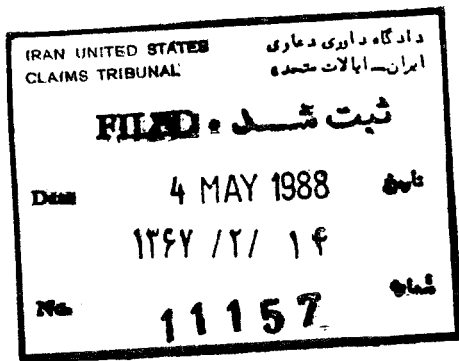
** CONCURRING OPINION of _____
- Date _____
_____ pages in English _____ pages in Farsi

** SEPARATE OPINION of _____
- Date _____
_____ pages in English _____ pages in Farsi

** DISSENTING OPINION of _____
- Date _____
_____ pages in English _____ pages in Farsi

** OTHER; Nature of document: _____

- Date _____
_____ pages in English _____ pages in Farsi



CASE NO. 11157

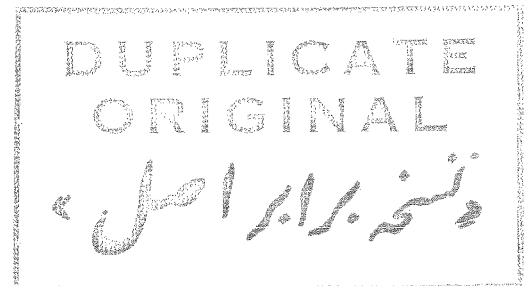
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CHAMBER TWO

AWARD NO. 361-11157-2

RALPH WILSON FARRINGTON,
a claim of less than U.S.\$250,000
presented by
The United States of America,
Claimant,
and

THE ISLAMIC REPUBLIC OF IRAN
AIRLINES (IRAN AIR),
Respondent.



AWARD ON AGREED TERMS

1. On 19 January 1982, the Government of the United States of America presented the Claim of less than U.S.\$250,000 of RALPH WILSON FARRINGTON ("Claimant") against THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN, and in particular against THE ISLAMIC REPUBLIC OF IRAN AIRLINES (IRAN AIR) ("Respondent") seeking recovery in connection with a refund allegedly owed for an airline ticket issued by the Respondent.

2. Pursuant to Article 34, paragraph 1 of the Tribunal Rules of Procedure, a Joint Request was filed on 18 April 1988, signed by the Agent of the Government of the United States of America on the one hand and by the Agent of the Government of the Islamic Republic of Iran on the other, requesting that the Tribunal render an Award on Agreed Terms recording and giving effect to the Settlement Agreement in this Case signed by the Parties on 7 February 1988 and 28 March 1988. The Settlement Agreement provides for certain reciprocal obligations of the Parties thereto.

3. Article One, paragraph 1 of the Settlement Agreement requires the Claimant to deposit with the Tribunal the two original flight coupons (No. 096:4201:125:952:6 Shiraz/-Tehran/New York and No.096:4040:056:815:1 New York/Los Angeles), which are to be delivered to the Agent of the Islamic Republic of Iran, upon issuance of the Award on Agreed Terms. These two coupons were deposited with the Tribunal on 18 April 1988.

4. Copies of the Joint Request and the Settlement Agreement are attached hereto.

5. In view of the fact that the provisions of the Settlement Agreement fulfil the requirements for the issuance of an Award on Agreed Terms, the Tribunal accepts the Settlement Agreement in accordance with Article 34, paragraph 1, of the Tribunal Rules.

6. For the foregoing reasons,

THE TRIBUNAL AWARDS AS FOLLOWS:

(a) The Settlement Agreement filed with the Joint Request is hereby recorded as an Award on Agreed Terms, binding on the Parties in full settlement of the entire Case.


(b) The Respondent THE ISLAMIC REPUBLIC OF IRAN AIRLINES (IRAN AIR) shall pay the Claimant RALPH WILSON FARRINGTON, the amount of Nine Hundred Thirty Four United States Dollars (U.S.\$934.00), which obligation shall be satisfied by payment out of the Security Account established pursuant to paragraph 7 of the Declaration of the Democratic and Popular Republic of Algeria of 19 January 1981.

(c) The Co-Registrars are hereby instructed to deliver the two original flight coupons deposited with the Tribunal on 18 April 1988 to the Agent of the Islamic Republic of Iran.

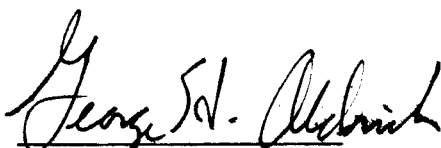
(d) This Award is hereby submitted to the President of the Tribunal for the purpose of notification to the Escrow Agent.

Dated, The Hague

4 May 1988



Robert Briner
Chairman



George H. Aldrich

In the name of God,

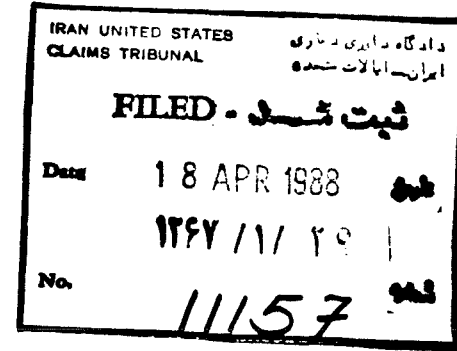


Seyed K. Khalilian

See, Separate Opinion in
Award No.346-10973-2

IN THE NAME OF GOD

Iran-U.S. Claims Tribunal
The Hague, The Netherlands



The Government of the United States of America on behalf and for the benefit of Ralph Wilson Farrington, a United States national,

Claimant,

-and-

Case No. 11157

Chamber 2

The Islamic Republic of Iran

Respondent.

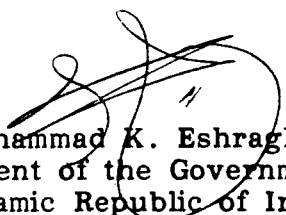
Joint Request for Arbitral Award on Agreed Terms


Pursuant to Article 34 of the Tribunal Rules, the Government of the United States of America, and the Government of the Islamic Republic of Iran, jointly request that the Tribunal issue an Arbitral Award on Agreed Terms that will record and give effect to the Settlement Agreement reached by Ralph Wilson Farrington (Farrington) and The Islamic Republic of Iran Airlines (Iran Air), a copy of which is attached hereto.

Farrington and Iran Air have entered into a Settlement Agreement which provides that Farrington shall be paid the amount of US\$934.00 (nine hundred thirty four U.S. dollars only) in complete and final settlement of all claims and counterclaims now existing or capable of arising in connection with this case.

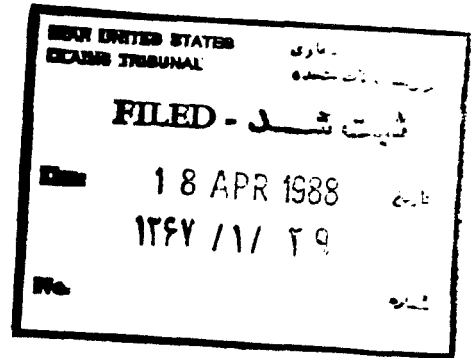
The undersigned hereby ratify the said Agreement and request the Tribunal to record it as an Arbitral Award on Agreed Terms, with payment to be made to Farrington out of Security Account.

Respectfully submitted,


Mohammad K. Eshragh
Agent of the Government of the Islamic Republic of Iran to the Iran-U.S. Claims Tribunal


Timothy E. Ramish
Agent of the Government of the United States of America to the Iran-U.S. Claims Tribunal

IN THE NAME OF GOD



SETTLEMENT AGREEMENT

WHEREAS, the Government of the United States of America has filed a claim on behalf and for the benefit of Ralph Wilson Farrington, a United States National with the Iran-U.S. Claims Tribunal ("the Tribunal");

WHEREAS, Ralph Wilson Farrington (Farrington) and Islamic Republic of Iran Airlines (Iran Air) wish to settle all claims and disputes which are outstanding or capable of arising in connection with Case No. 11157 and its subject matter.

ARTICLE ONE

(1) In consideration of full and final settlement of all disputes, differences, claims and matters directly or indirectly, raised or capable of arising out of the relationships, transactions, contracts and events related to and subject matter of the Case No. 11157. against Iran Air, its agents, affiliates and subsidiary companies and/or against the Islamic Republic of Iran, its political sub-divisions, Iranian entities, agencies, organizations, institutions and instrumentalities (Iran) Farrington will be paid the sum of US\$ 934 (Nine hundred thirty four United States dollars) only.

(2) Farrington hereby undertakes to submit to the Tribunal together with this Settlement Agreement the two original flight coupons Nos. 096:4201:125:952:6 Shiraz/Tehran/New York and 096:4040:056:815:1 New York/Los Angeles. These two original coupons shall be handed over by the Tribunal to the Agent of the Islamic Republic of Iran, upon the issuance of the Award on Agreed Terms.

ARTICLE TWO

(1) Farrington and Iran Air for themselves and for the successors, transferees, and assigns of themselves by this Agreement release and forever discharge each other and the successors, transferees, and assigns of each other and Iran from any and all liability that they ever had, now have and/or in the future may have against each other in connection with Case No. 11157.

(2) Ralph Wilson Farrington declares that he has no pending claim in any forum against Iran Air or Iran and undertakes to withdraw such claims forthwith, if any.

ARTICLE THREE

This Settlement Agreement is for the sole purpose of settling Case No. 11157. Nothing in this Settlement Agreement shall be relied upon or construed as relevant to or affect in any way any arguments Iran Air or Iran, have raised, or may raise, concerning the jurisdiction or the merits of this case or any other cases whether before the Tribunal or any other forum.

ARTICLE FOUR

This Agreement has been written and signed in both languages of Farsi and English and each text shall have the same and equal validity.

Islamic Republic of Iran
Airlines

By:  M.R. MAJIDI

Date: 7 Feb 1988

Ralph Wilson Farrington

By:  Ralph W. Farrington

Date: 28 MARCH 1988