

OFFICE OF THE ELECTION ADMINISTRATOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: ASHLEY McNEELY,)	Protest Decision 2001 EAD 458
)	Issued: September 19, 2001
)	OEA Case No. PR090411MW
Protestor.)	
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Ashley McNeely, a member of Local 2000, filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2000-2001 IBT International Union Delegate and Officer Election ("*Rules*") against Tom Keegel, General Secretary-Treasurer of the IBT. The protest alleges that Keegel mailed a memorandum to IBT convention delegates that improperly endorsed the Hoffa Unity slate by adopting a campaign slogan of the slate.

Election Administrator representative Michael Nicholson investigated the protest.

The investigation revealed that a memorandum dated August 17, 2001 from Keegel was sent to certain IBT convention delegates, and that the memo stated in full as follows:

Enclosed you will find the picture identification badge that may be kept as a souvenir of the 2001 IBT Convention in Las Vegas.

In unity lies strength. Thank you for your support at the Convention!

The memorandum was sent to 98 convention attendees by the IBT during the third full week of August.

In light of *Martinez*, 2001 EAD 414 (July 27, 2001), *aff'd* 01 EAM 87 (August 17, 2001, corrected copy issued August 30, 2001) ("*Martinez II*"), and the cases cited therein, the IBT has agreed to resolve this protest by immediately mailing to each of the 98 recipients of the August 17 memorandum a further memorandum in a form already supplied to the Election Administrator indicating that the IBT does not endorse any candidate for International office. On that basis, we deem the protest RESOLVED.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within two (2) working days of receipt of this decision. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Administrator in any such appeal. Requests for a hearing shall be made in writing, shall specify the basis for the appeal, and shall be served upon:

McNeely, 2001 EAD 458
September 19, 2001

Kenneth Conboy
Election Appeals Master
Latham & Watkins
Suite 1000
885 Third Avenue
New York, New York 10022
Fax: 212-751-4864

Copies of the request for hearing must be served upon all other parties, as well as upon the Election Administrator for the International Brotherhood of Teamsters, 727 15th Street NW, Tenth Floor, Washington, DC 20005 (facsimile: 202-454-1501), all within the time prescribed above. A copy of the protest must accompany the request for hearing.

William A. Wertheimer, Jr.

William A. Wertheimer, Jr.
Election Administrator

cc: Kenneth Conboy
2001 EAD 458

McNeely, 2001 EAD 458
September 19, 2001

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