

IN RE:

TYRONE UHRYNCHUK, DOUGLAS
MACDOUGALL and MITCH CHAMBERS

01 - Elec. App. – 038 (KC)

This matter is an appeal from the Election Administrator's (the "EA") decision 2001 EAD 151, issued February 8, 2001. The appeal hearing was requested by Tyrone Uhrynychuk, Douglas MacDougall and Mitch Chambers, all candidates for delegate and members of Teamsters Local Union 213 Vancouver, British Columbia, Canada.

A hearing was held before me on February 16, 2001. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq. and Lois Tuttle, Esq., for the Election Administrator's Office; Mr. Uhrynychuk;¹ Mr. Raymond Zigmont, president of Local Union 213; Mr. Don McGill, Secretary-Treasurer of Local Union 213; and Ms. Sheila Hogan, Local Union 213 Office Coordinator. No further submissions were received on this matter.

This decision combined three eligibility protests filed against Mr. Uhrynychuk, Mr. MacDougall and Mr. Chambers and Mr. Uhrynychuk's protest of the eligibility of ten members of the Unified Members Slate. In the case of Mr. Uhrynychuk's eligibility, a dues checkoff member employed at Tree Island Steel Industries, Ltd., the EA's investigation found that since he had not timely paid dues for the months of January through May, 1999 while out on workers' compensation, he was ineligible to run for delegate. Mr. MacDougall, a dues checkoff employee of Tree Island Industries, Ltd., was also found to have made untimely dues payments for six of the twenty-four months prior to the nomination meeting, a fact he does not dispute. Finally, Mr. Chambers, also a dues checkoff employee of Mantane Construction Products Limited, was found

¹ Neither Mr. MacDougall nor Mr. Chambers appeared at the hearing. They both advised Donna Marie Barra of my office that they wanted my decision to be based on their appeal submissions, received by my office on February 12, 2001.

to be ineligible to run for delegate because he paid his dues late for the months August, September and October, 1999 while out on a disability claim. In the protest filed against the Unified Slate members, Mr. Uhrynychuk claims that these members should be found ineligible because, as a result of an audit done in August 2000, the incorrect dues amount had been deducted from their pay during the eligibility period and that the Local Union took too long to correct the discrepancy.²

During the appeal hearing, Mr. Uhrynychuk took issue with the EA's factual findings that he lacked income during the months in question. Mr. Uhrynychuk claims that during these months he attended grievance hearings, an arbitration meeting and a management meeting while on workers' compensation, and was told by his business agent that since he attended these functions in his capacity as chief shop steward his dues would be paid. However, the EA found no records or documents to prove that Mr. Uhrynychuk had any income during this period of time, or was paid for his attendance at the meetings or made any requests for lost-time wages.

Mr. MacDougall and Mr. Chambers claim that they were not notified that their dues were in arrears, since no re-initiation fee or assessment was ever levied against them, and that they relied on the principal officers to inform them of the proper procedures and Rules regarding eligibility.

None of the appellants have presented any documentary evidence or argument to dispute the fact that their dues for the months in question were timely paid. Accordingly, I

² Since this protest was filed January 25th, six business days after the January 17th nomination meeting, the EA dismissed it as untimely. The EA rejected Mr. Uhrynychuk's assertion that the timing of his protest should be based upon when he knew of the memorandum reporting the dues discrepancies. Previous case law rejects this view and holds that the timing of an eligibility protest begins from the date when the protestor learns of a candidate's nomination, not the date at which a protestor learns of the circumstances that affected the candidate's eligibility (See, Page 5, cases cited, 2001 EAD 151 (February 8, 2001)). I concur with the EA's analysis and affirm his decision to dismiss this protest on the basis of untimeliness.

affirm the EA's decision finding Tyrone Uhrychuk, Douglas MacDougall and Mitch Chambers to be ineligible for candidacy.

____s/Kenneth Conboy _____
Kenneth Conboy
Election Appeals Master

Dated: February 26, 2001