

IN RE:

JIMI RICHARDS

01 - Elec. App. 106 (KC)

This matter is an appeal from the Election Administrator's decision 2001 EAD 369, issued May 16, 2001. The appeal hearing was requested by James L. Hicks, Esq., on behalf of the Local 728 Unity Slate (the "Unity Slate") in Teamster Local Union 728 in Atlanta, Georgia.

A hearing was held before me on May 29, 2001. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq., for the Election Administrator's Office; Mr. Hicks, on behalf of Local 728 Unity Slate; Betty Grdina, Esq. on behalf of the Tom Leedham Campaign; Waymon Stroud, on behalf of the Unity Slate; and Richard Black, on behalf of Local Union 728. Pre-hearing submissions were received from Mr. Hicks on May 24, 2001.

The Unity Slate alleged that Don Scott, president of Local Union 728, retaliated against Jimmy Payne by firing him as business agent of Local Union 728 for election-related activity. In Richards, 2001 EAD 328 (April 26, 2001), aff'd, 01 Elec. App. 63 (May 14, 2001), 01 Elec. App. 63 (Supplemental) (May 15, 2001), the EA found that Mr. Payne had misappropriated union property for use during the Local Union 728 delegate election and later obstructed the EA's inquiry by providing false evidence during the investigation. The EA ordered Mr. Payne to be disqualified as a convention delegate, a remedy which I later affirmed.

Referring to these rulings, Mr. Scott terminated Mr. Payne as business agent for "misappropriation of union resources." (See, page 1, 2001 EAD 369 (May 16, 2001)). The Unity Slate claims that the reason given by Mr. Scott in his firing of Mr. Payne was simply a cover for the "real" reason, which is alleged to be his candidacy and electoral activity. To support its

