

**OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS**

| | | |
|---------------------------|---|---------------------------------|
| IN RE: JOHN GEROW, |) | Protest Decision 2006 ESD 102 |
| |) | Issued: February 27, 2006 |
| Protestor. |) | OES Case No. P-06-122-020206-AT |
| _____ |) | |

John Gerow, member and principal officer of Local Union 97, filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2005-2006 IBT International Union Delegate and Officer Election (“*Rules*”). He asserted that the members of the Kleinerman slate must verify their availability to attend the 2006 IBT convention as a condition of eligibility for election as delegates and alternate delegates.

Election Supervisor representative J. Griffin Morgan investigated this protest.

Findings of Fact and Analysis

The protest seeks “to compel Mark Kleinerman, head of the ‘Kleinerman Slate,’ to document ... that ... the Paramedics/EMT’s nominated by Mr. Kleinerman for delegate/alternate delegates ... will be freed from their responsible positions at the University of Medicine & Dentistry to attend and participate in the Convention’s full activities.”

The justifications the protest cites for compelling such documentation are to insure that 1) non-refundable travel arrangements the local union makes for these members, if elected, are not wasted, and 2) the local union is properly represented at the convention.

The *Rules* contain no requirement that candidates make such documentation to establish eligibility to run for delegate or alternate delegate.

Accordingly, we DENY this protest.

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 Supervisor 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:

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

Copies of the request for hearing must be served upon the parties, as well as upon the Election Supervisor for the International Brotherhood of Teamsters, 1725 K Street, N.W., Suite 1400, Washington, D.C. 20007-5135, all within the time prescribed above. A copy of the protest must accompany the request for hearing.

Gerow, 2006 ESD 102
February 27, 2006

Richard W. Mark
Election Supervisor

cc: Kenneth Conboy
2006 ESD 102

DISTRIBUTION LIST (BY EMAIL UNLESS OTHERWISE SPECIFIED):

Bradley T. Raymond, General Counsel
International Brotherhood of Teamsters
25 Louisiana Avenue, NW
Washington, DC 20001-2198
braymond@teamster.org

Sarah Riger, Staff Attorney
International Brotherhood of Teamsters
25 Louisiana Avenue, NW
Washington, DC 20001-2198
sriger@teamster.org

David J. Hoffa, Esq.
Hoffa 2006
30300 Northwestern Highway, Suite 324
Farmington Hills, MI 48834
David@hoffaplhc.com

Barbara Harvey
645 Griswold Street
Suite 3060
Detroit, MI 48226
blmharvey@sbcglobal.net

Ken Paff
Teamsters for a Democratic Union
P.O. Box 10128
Detroit, MI 48210
ken@tdu.org

Judith Brown Chomsky
P.O. Box 29726
Elkins Park, PA 19027
jchomsky@igc.org

Stephen Ostrach
1863 Pioneer Parkway East, #217
Springfield, OR 97477-3907
saostrach@gmail.com

John J. Gerow
210 5th Avenue
Belmar, NJ 07719
teamsterslocal.ninetyseven@verizon.net

Mark Kleinerman
31-19 Morlot Avenue
Fair Lawn, NJ 07410-4025

Benny Cardona
204 ½ Garside Street
Newark, NJ 07104

Edward Perera
512 Muriel Parkway
Elizabeth, NJ 07208-1605

Robert Denee
70 Greendell Road
Newton, NJ 07860

Christopher Hogan
10 Myrtle Avenue
Summit, NJ 07901

Laurie Biberfeld
2160 Center Avenue
Fort Lee, NJ 07024-5862

Ennis Terrell
624 Norwood Terrace
Elizabeth, NJ 07202

J. Griffin "Griff" Morgan
Elliot, Pishko, Morgan
426 Old Salem Road
Winston-Salem, NC 27101
jgmorgan@epmlaw.com

Jeffrey Ellison
510 Highland Avenue, #325
Milford, MI 48381
EllisonEsq@aol.com