

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

IN RE: JOHN HAILSTONE and)	Protest Decision 2010 ESD 25
SAM MARTINEZ,)	Issued: September 9, 2010
)	OES Case Nos. P-027-083110-FW
Protestors.)	& P-028-083110-FW
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This decision supplements our previous decision in *Hailstone & Martinez*, 2010 ESD 24 (September 4, 2010), which addressed several alleged campaign violations by competing slates in Local Union 948's delegates and alternate delegates election. Our initial decision failed to address the following allegation by protestor Martinez:

Mike Sandoval has been told by Del Monte Foods of Kingsburg, Ca. that he cannot campaign or discuss the delegates election during his lunch breaks.

Martinez's appeal of our decision brought to our attention that the initial decision did not decide this allegation. Accordingly, we issue this supplemental decision.

Findings of Fact and Analysis

Sandoval told our investigator on September 1 that he has campaigned in the Del Monte lunchroom and that Del Monte has not interfered with his campaign activity. Our investigator read the protest allegation quoted above to Sandoval verbatim; Sandoval replied that the allegation was untrue. As Sandoval directly contradicted the protest allegation, we DENY this aspect of the Martinez 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, NY 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, 1801 K Street, N.W., Suite 421 L, Washington, D.C. 20006, all within the time prescribed above. A copy of the protest must accompany the request for hearing.

Richard W. Mark
Election Supervisor

cc: Kenneth Conboy
2010 ESD 25

DISTRIBUTION LIST (BY EMAIL UNLESS OTHERWISE SPECIFIED):

Bradley T. Raymond, General Counsel
International Brotherhood of Teamsters
25 Louisiana Avenue, N.W.
Washington, D.C. 20001
braymond@teamster.org

David J. Hoffa
Hoffa Hall 2011
1100 Connecticut Avenue, N.W., Ste. 730
Washington, D.C. 20036
hoffadav@hotmail.com

Ken Paff
Teamsters for a Democratic Union
P.O. Box 10128
Detroit, MI 48210-0128
ken@tdu.org

Barbara Harvey
1394 E. Jefferson Avenue
Detroit, MI 48207
blmharvey@sbcglobal.net

Fred Gegare
P.O. Box 9663
Green Bay, WI 54308-9663
kirchmanb@yahoo.com

Scott D. Soldon
Previant Goldberg
1555 North RiverCenter Drive, Ste. 202
P.O. Box 12993
Milwaukee, WI 53212
sds@previant.com

Fred Zuckerman, President
Teamsters Local Union 89
3813 Taylor Blvd.
Louisville, KY 40215
fredzuckerman@aol.com

Robert M. Colone, Esq.
P.O. Box 272
Sellersburg, IN 47172-0272
rmcolone@hotmail.com

John Hailstone
Teamsters Local Union 948
1222 "I" Street
Modesto, CA 95354
teamsters948@yahoo.com

Sam Martinez
5161 Wilkins Avenue
Oakdale, CA 95361
Ladybugtm2003@yahoo.com

Lupe Juarez, Secretary-Treasurer
Teamsters Local Union 948
1222 "I" Street
Modesto, CA 95354
teamsters948@yahoo.com

Tom Nett, Human Resources Director
Seneca Foods
tnett@senecafoods.com

Christine Mrak
2357 Hobart Avenue, SW
Seattle, WA 98116
chrismrak@gmail.com

Rochelle Goffe
1234 22nd Avenue, E
Seattle, WA 98112
rochellegoffe@gmail.com

Jeffrey J. Ellison
214 S. Main Street, Ste. 210
Ann Arbor, MI 48104
EllisonEsq@aol.com