

***PRE-ELECTION  
PROTEST  
DECISIONS***

***ELECTION OFFICE CASE NOS***

***P-051-LU41-MOI to P-100-LU886-SOU***

***VOLUME II***

***Michael H Holland  
Election Officer  
June 1992***

OFFICE OF THE ELECTION OFFICER  
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
25 Louisiana Avenue, NW  
Washington, DC 20001  
(202) 624 8778  
1 800-828 6496  
Fax (202) 624-8792

Michael H Holland  
Election Officer

November 29, 1990

Chicago Office  
% Cornfield and Feldman  
343 South Dearborn Street  
Chicago, IL 60604  
(312) 922-2800

**VIA UPS OVERNIGHT**

Wesley Epperson  
1702 Evanston  
Independence, Missouri 64052

Dan Johnson, President  
IBT Local Union 41  
4501 Van Brunt Boulevard  
Kansas City, Missouri 64130

Re: Election Office Case No. P-051-LU41-MOI

Gentlemen

A pre-election protest was filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"). The complainant, Wesley Epperson, alleges in his protest that the Election Office, through its representatives, has failed to obtain adequate and secure facilities for the return of the mail ballots that are to be cast in the delegate and alternate delegate election for Local Union 41.

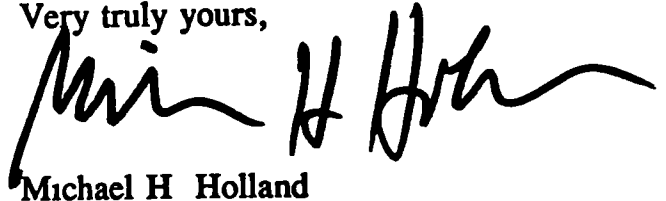
As John Sullivan, the Election Office Protest and Compliance Coordinator, informed Mr Epperson, the Election Office has obtained the largest post office box available in the main Kansas City Post Office (a number four sized box). There is only one size box bigger than the one obtained (a number five box), and, even if obtained, the larger box would not alone be sufficient to hold all of the ballots expected to be cast. As Mr Sullivan explained, it is normal Postal Service procedure to store all excess mail which will not fit into the box in a secure location, under exclusive control of the Post Office, until the date of ballot return pick up. At the time of pick up, all mail received, whether stored in the box or within the Post Office, will be released only to Mr. William O Eisler, ~~Mr. Robert Hodson~~, or Mr. Daniel I Koen, Election Officer representatives, the only persons authorized to receive the returned ballots.

<sup>OK</sup>  
Further, as Mr Sullivan noted, it is a federal offense for anyone, whether a Postal employee or not, to in any way tamper with or improperly receive or deliver the mail. Therefore, given the confidence that I have in Messrs Eisler, Eisler, and Koen, and given the systems utilized by the Postal Service, I conclude that the Post Office box obtained is both sufficient and secure.

Wesley Epperson  
Dan Johnson, President  
November 29, 1990  
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If any interested party is not satisfied with this determination, they may request a hearing before the Independent Administrator within twenty-four (24) hours of their receipt of this letter. Requests for a hearing shall be made in writing, and shall be served on the Independent Administrator, Frederick B. Lacey, at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, New Jersey 07102-5311, Facsimile 201-622-6693. Copies of the request for hearing must be served on the parties listed above, as well as upon the Election Officer, International Brotherhood of Teamsters, 25 Louisiana Avenue, N W , Washington, D C 20001, Facsimile 202-624-8792. A copy of the protest must accompany the request for a hearing

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael H. Holland", written in a cursive style.

Michael H Holland

MHH/kpm

cc Frederick B Lacey, Independent Administrator, IBT  
William O Eisler  
Daniel I Koen