

OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001
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Michael H Holland
Election Officer

December 5, 1990

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

VIA UPS OVERNIGHT

Alfredo Garcia, Jr.
3407 Starbend
San Antonio, TX 78217

Preston D. Ketchum
President
IBT Local Union 657
8214 Roughrider
San Antonio, TX 78239

Re: Election Office Case No. P-060-LU657-SEC

Gentlemen:

A pre-election protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Election Rules"). In his protest, Mr. Garcia alleges that he was discharged by his employer United Parcel Service (UPS) for having a "roll away" accident, a punishment he states was harsher than that normally imposed by UPS for such accidents.

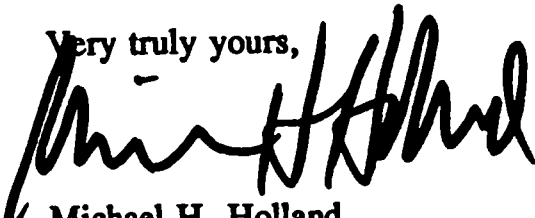
Mr. Garcia does not allege, however, and the Election Officer does not find that the discipline imposed was in retaliation for Mr. Garcia's seeking the position of IBT International Union Convention delegate. Neither does Mr. Garcia allege, nor the Election Officer find that UPS acted at the behest of Local Union 657 or any other IBT body.

Rather, Mr. Garcia's concern seems to be the impact, if any, of his discharge on his eligibility to run for IBT International Convention delegate. In October, 1990, the Election Officer verified Mr. Garcia's eligibility and found him eligible to stand for a delegate position. No protest has been received with respect to that determination.

Further, there has been no challenge or protest filed with respect to the impact of the discharge on Mr. Garcia's eligibility¹ If and when such challenge or protest is filed, it will be reviewed and decided by the Election Officer.

If any person is not satisfied with this determination he may request a hearing before the Administrator within twenty-four (24) hours of his receipt of this letter. Such request shall be made in writing and shall be served on Administrator Frederick B. Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, N.J. 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, IBT, 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. The parties are reminded that absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Officer in any such appeal.

Very truly yours,



Michael H. Holland

MHH/mjv

cc: Frederick B. Lacey, Independent Administrator, IBT

Donald H. Williams, Regional Coordinator
1013 Smith Drive
Metairie, LA 70005
Tel: 504-834-0956
Fax: 504-835-4897

¹ It should also be noted that an IBT member does not automatically forfeit his eligibility to run for a delegate position because he has been discharged. Article VI, § 2(b) of the Election Rules provides:

"The above requirements of Section 1 [the eligibility requirements for a delegate, alternate or International Officer position] may be met in the following manner:

b. The active employment at the craft requirement may be excused by unemployment, assuming that the member was actively seeking and available for employment in the craft and not working outside the craft during such periods of unemployment, or by active pursuit of an unresolved grievance or other legal action challenging suspension or discharge."