



OFFICE OF THE ELECTION OFFICER
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Michael H Holland
Election Officer

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343 South Dearborn Street
Chicago, IL 60604
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December 17, 1990

VIA UPS OVERNIGHT

Darrell S. Berg
12 Sherman Road
Milton, NY 12547

James E. McNeil
President
IBT Local Union 707
66-20 Queens Blvd.
Woodside, NY 11377

Re: Election Office Case No. P-086-LU707-NYC

Gentlemen:

A timely pre-election protest was filed under Article XI, §1 of the Rules of the IBT International Union Delegate and Officer Elections, revised on August 1, 1990 ("Rules"). Mr. Berg protests that he "was not formally notified that the nomination meeting for delegates was to take place." He further alleges that the notification should have come from Local 707 and is apparently contending that Local Union 707 violated the rules because he did not receive formal notice of the nomination meeting from it.

Whether Mr. Berg received "formal notice" of the nominations meeting, he received actual notice. He was present at the nominations meeting. (In fact, at the nominations meeting, he handed the above referenced protest to the Election Office representative present to supervise such meeting.)

Mr. Berg was not harmed by the alleged failure of Local Union 707 to provide him with "formal notice" of the nominations meeting. Accordingly, the protest is DENIED.


The Election Office notes, however, that in his protest, Mr. Berg indicates that his address is 12 Sherman Road, Milton, New York 12547. The Election Office directs Local Union 707 to check its membership records to verify if such address is the address it has for Mr. Berg and, if not, to correct its membership records to reflect the above address as Mr. Berg's address.

If any person is not satisfied with this determination, he may request a hearing before the Administrator within twenty-four (24)

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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/sst

cc: Mr. Frederick B. Lacey
Amy Gladstein, Regional Coordinator