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Election Officer

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January 10, 1991

VIA UPS OVERNIGHT

Alan L. Leach
3811 Third Street
Tillamook, Oregon 97141

Eldon Allen
Secretary-Treasurer
Teamsters Local No 58
2212 N E Anderesen Road
Vancouver, WA 98661

Re: Election Office Case No. P-202-LU58-PNW

Gentlemen

A pre-election protest was timely filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") In his protest Alan L. Leach contends that his employer, United Parcel Service, conspired to prevent the Election Office from qualifying him as a candidate for delegate to the 1991 IBT International Convention by intentionally providing false information to the Election Office

The investigation shows the following Mr. Leach contacted the Election Office seeking an initial determination as to his eligibility to run for the position of delegate to the 1991 IBT International Convention The Election Officer initially ruled Mr. Leach ineligible because he had failed to timely pay dues for the 24 month period preceding the nominations meeting in his Local That period extended from December, 1988 through November, 1990 The TITAN record reflected a late dues payment for November, 1988 and the Election Officer was unable to verify with UPS that Mr. Leach had earnings during November, 1988¹

Mr. Leach appealed the initial determination of ineligibility The Election Officer conducted additional investigation with the employer, UPS, and determined that in fact

¹UPS initially informed the Election Officer that Mr. Leach was on vacation in November, 1988, and that the employer had no practice of deducting dues from vacation pay.

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Mr Leach had earnings from which dues could have been deducted in November, 1988.² Thus the Election Officer reversed his initial determination and held Mr Leach eligible to run for the position of delegate See E-059-LU58-PNW

The eligibility protest process is designed to insure that any candidate's assertions with respect to whether they meet the eligibility criteria are thoroughly investigated. Thus Mr Leach's earnings record and his dues record were ultimately verified by the Election Officer and he has in fact been declared eligible to run for the position of delegate.

Since no harm resulted to Mr Leach as a result of incorrect information from the employer, and since the employer provided correction information to the Election Officer during the protest procedure, there has been no violation of the *Rules*. Accordingly, the protest is DENIED.

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. 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. Requests for a hearing shall be made in writing, and shall be served on 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, 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.

Very truly yours,



Michael H Holland

MHH/mca

cc Frederick B Lacey, Independent Administrator
Christine M Mrak, Regional Coordinator

²The Election Officer also verified with UPS that Mr. Leach had earnings for November, 1990.