



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

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

January 14, 1991

VIA UPS OVERNIGHT

Nathaniel Smith, Sr
116 Michigan Ave, NE, I-22
Washington, DC 20017

Roosevelt C. Murray
President
IBT Local 730
2001 Rhode Island Ave., NE
Washington, DC 20018

James Collins
2001 Rhode Island Ave, NE
Washington, DC 20018

Re: Election Office Case No. P-220-LU730-MID

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 Nathaniel Smith contends that Local 730 has violated the *Rules* by failing to post the results of the nomination meeting within seven (7) days following the meeting

The investigation shows the following The nominations meeting for Local 730 was held December 19, 1990 The election will be conducted by mail ballot, the ballots will be mailed January 29, 1991 The Local represents approximately 2500 members who are employed at various warehouses. It is undisputed that the results of the nominations meeting were not posted on all bulletin boards at the Giant Food Warehouse located in Landover, Maryland.

Secretary-Treasurer James Collins has informed the Election Officer representative that he timely mailed the nominations notice to all stewards with instructions to post, and since the filing of this protest he has followed up with the stewards at each warehouse site to insure proper posting There is no evidence at this time that the failure to post is pervasive throughout the Local

Nathaniel Smith, Sr.
Page 2

The Election Officer concludes that since (1) the Secretary-Treasurer of the Local has assured the Election Officer that he is monitoring the posting process, and (2) since there is not now evidence that the failure to post is pervasive, and (3) since the mail ballot itself will provide notice and will therefore tend to cure lack of notice by reason of inadvertent failure to post at a single site, I find no violation of the *Rules*. Should evidence develop that there is widespread, pervasive failure to post nominations an additional protest should be filed. This 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
Grant Crandall, Regional Coordinator