



OFFICE OF THE ELECTION OFFICER  
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
25 Louisiana Avenue, NW  
Washington, DC 20001  
(202) 624-8778  
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Michael H. Holland  
Election Officer

January 22, 1991

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

**VIA UPS OVERNIGHT**

John P. McTigue, Jr.  
507 E. Cypress Ave. # D  
Burbank, CA 91501

George P. Bravo  
Secretary-Treasurer  
IBT Local 208  
9960 Baldwin Place  
Suite 201  
El Monte, CA 91731

Alex Maheras  
10431 G Hayford St  
#50  
Bellflower, CA 90706

Re: Election Office Case No. P-224-LU208-CLA

Gentlemen:

A pre-election protest was timely filed pursuant to Article XI of the Rules for the IBT International Union Delegate and Officer Election. The protest raises issues identical to the issues raised in E-192-LU208-CLA, and for the reasons set forth in that decision, a copy of which is attached, the instant protest is denied.

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  
Geraldine L. Leshin, Regional Coordinator**

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Michael H Holland  
Election Officer

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

January 21, 1991

**VIA UPS OVERNIGHT**

Mauricio Terrazas  
430 S Lincoln Ave  
Monterey Park, CA 91754

George P. Bravo  
Secretary-Treasurer  
IBT Local Union 208  
9960 Baldwin Place  
Suite 201  
El Monte, CA 91731

Alex Maheras  
10431 G Hayford St  
#50  
Bellflower, CA 90706

Re: Election Office Case No. E-192-LU208-CLA  
Protest of Mauricio Terrazas Eligibility of Alex Maheras (Soc Sec  
No 565-22-8454) to Run for Delegate, IBT Local Union 208

Gentlemen

The nominations meeting for Local Union 208 took place on January 6, 1991. Mr Alex Maheras was nominated to run for delegate to the 1991 IBT International Convention by Edward R Gasporra (Soc Sec No 562-46-8823) and the nomination was seconded by Archie J Murrietta (Soc Sec No 573-48-5610). Mr Terrazas and Mr McTigue have both filed protests challenging the eligibility of Mr Maheras to run for delegate.

I Eligibility of Mr Gasporra and Mr Murrietta to Nominate and Second the Nomination of Mr Maheras

Article II, §3(h) of the Rules for the IBT International Union Delegate and Officer Election provides that to be eligible for nomination, a member must be nominated and seconded by a member in good standing, each with his/her dues paid through the month prior to the nominations meeting.

The TITAN record reflects that Messrs Gasporra and Murrietta had both paid their dues through December of 1990, the month prior to the month in which the

nominations meeting took place. Thus, the TITAN record reflects that they were members in good standing of Local 208 and were eligible to nominate and second the nomination of Mr. Maheras.

II Eligibility of Mr. Maheras.

Article VI, § 1 (a)(1) provides:

- (a) to be eligible to run for any Convention delegate, alternate, or International Officer position, one must: (1) be a member in continuous good standing with the Local Union, with one's dues paid to the Local for a period of twenty-four consecutive months prior to the month of nomination for said position with no interruptions in active membership due to suspensions, expulsions, withdrawals, transfers or failure to pay fines or assessments; (2) be employed at the craft within the jurisdiction of the Local for a period of twenty-four (24) consecutive months prior to the month of nomination; and (3) be eligible to hold office if elected.

The protesters contend that Mr. Maheras is not eligible to run for delegate as nominated since he retired in April of 1989 and does not meet the requirement of active employment at the craft within the jurisdiction of the Local as set forth in § 1 (a)(2) quoted above.

The TITAN record reflects that Mr. Maheras has paid his dues in a timely fashion to Local 208 for each month during the period December 1988 through December 1990. Mr. Maheras was contacted by the Election Office and advised that he did resign his elected position with Local 208 effective April 1, 1989 and began to draw his pension. Mr. Maheras further stated that he is presently a member of the Southern California Joint Grievance Committee and in connection with that membership he attends meetings two to three days per month for which he receives no compensation. Mr. Maheras has not had any full-time employment within the jurisdiction of the Local and has not actively sought full-time employment since April 1, 1989 due to his inability to drive a car.

Article VI, § 2 (b) of the *Rules* provides that the active employment at the craft requirement may be excused by unemployment assuming that the member is actively

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Mauricio Terrazas

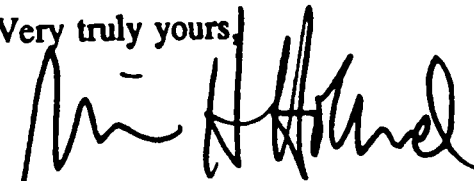
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seeking and available for employment in the craft. Based on Mr. Maheras' own statements, he is neither actively seeking nor available for employment within the craft. Therefore, Mr. Maheras does not meet the requirements for eligibility to run as a delegate for IBT International Convention.

Mr Maheras raises the issue that he has continued to pay his dues to Local 208 in a timely fashion and those dues have been accepted by the Local. However, Article II, § 4 (a)(1) of the IBT International Constitution provides that failure of a Local Union to issue a withdrawal card shall not be conclusive proof that a nominee was actively employed at the craft within the jurisdiction of the Local Union during the required twenty-four month period prior to his nomination. As discussed above, Mr. Maheras does not meet the active employment requirement of the *Rules* or the IBT Constitution. It is therefore determined that Mr Maheras is ineligible to run as a delegate to the IBT International Convention. Accordingly, the protests are GRANTED.

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  
Geraldine L Leshin, Regional Coordinator