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January 22 1991

VIA UPS OVERNIGHT

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Patrick Duffy
11554 Flintwood St NW
Coon Rapids MN 55433

Re Election Office Case No [REDACTED] 115520-NCE

Gentlemen

A pre-election protest was timely filed pursuant to Article XI §1 of the *Rules for the IBT International Union Delegate and Officer Election* revised August 1 1990 (*Rules*) The Complainant Local Union 320 of Minnesota Teamsters Joint Council No 32 protests the decision of the Regional Coordinator that alternate delegate candidate Patrick Duffy is eligible to run in the IBT Delegate Elections

The investigation revealed the following The nominations meeting for Local 320 was held on January 8 1991 Mr Duffy desired to be nominated for an alternate delegate position but had a previously scheduled vacation Consequently Mr Duffy mailed his written acceptance of his nomination on December 20 1990 Mr Duffy mailed other correspondence on that date this other correspondence was received by the entities to whom it was mailed

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Mr. Duffy had no knowledge of his letter was not received until after the nominations meeting occurred. At the nominations meeting, the individual who nominated Mr. Duffy, Bernard Munyon, stated, when asked, that Mr. Duffy had stated that an acceptance letter would be sent to him but that he had not received it.

Mr. Duffy was notified by Regional Coordinator Barbara Quindel that no acceptance had been received by either Mr. Munyon or Local 320. Mr. Duffy immediately faxed to Ms. Quindel a copy of a written acceptance which he stated had been previously sent to Local 320. Local 320 has received a copy of this written acceptance.

Under the Election Rules, a member must accept his or her nomination "at the time made either in person, or, if absent, in writing." *Rules*, Article II, §3(h). In this case, the uncontradicted evidence is that Mr. Duffy did all he could do to properly accept his nomination by mailing his acceptance 19 days ahead of time. At the time of the nomination, the Local had reason to believe that Mr. Duffy desired to accept the nomination due to the statements of Mr. Munyon. The Local's actual notice, in addition to Mr. Duffy's substantial good faith efforts, means that it would not effectuate the purposes of the *Rules* to deny Mr. Duffy's eligibility.

Accordingly, the 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/BJH/sst

cc: Mr. Frederick B. Lacey
Barbara Z. Quindel, Regional Coordinator