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March 20, 1991

VIA UPS OVERNIGHT

Lonnie Bedell
14 Nelkin Drive, Apartment 131
Wallington, New Jersey 07057

George J Lonergan
Secretary-Treasurer
IBT Local Union 641
714 Rahway
Union, New Jersey 07083

Re: Election Office Case No. P-544-LU641-NJE

Gentlemen

A pre-election protest was filed pursuant to Article XI, Section 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") The complainant, Lonnie Bedell, is a candidate for delegate from local 641 to the 1991 IBT International Convention He seeks a union paid mailing because of alleged misconduct of Local Union 641 which he claims to have delayed and prejudiced him in his ability to campaign

(a) The Earlier Protests.

The instant case is the latest in a series of protests filed by Mr Bedell against Local Union 641

The Election Officer issued a decision dated December 20, 1990, in Election Officer Case Nos P-158-LU641-NJE and P-159-LU641-NJE On the basis of threats made to Bedell and his nominators, the Election Officer ruled that Bedell be placed on the ballot as a candidate for delegate without formal nomination The Election Officer further ordered that the Local Union's delegate and alternate delegate election be conducted by mail ballot rather than by in-person voting

The Election Officer issued another decision, which was dated February 7, 1991, in Election Officer Case Nos P-367-LU641-NJE and P-381-LU641-NJE On the basis of the removal of posted nomination notices and the defacing of notices in a manner which deprecated Mr Bedell, the Election Officer directed that (1) the Local issue a letter to its members apprising them of the nomination results and informing them that disciplinary action would ensue against members who are guilty of additional

defacement, (2) the Local post at the job sites and also issue to its members a notice which informed them of their rights, and (3) the Local re-post at the job sites the notice of nominations and the stewards monitor the bulletin boards to protect the notices against defacement

The protest in Election Officer Case Nos P-367-LU641-NJE and P-381-LU641-NJE also contained a complaint about discrepancies in Local 641's listing of job sites and addresses. The Election Officer did not decide that issue but retained jurisdiction and instructed the Regional Coordinator to attempt to resolve the matter and insure that a complete and appropriate list of all work-sites where members of Local 641 are employed. On February 12, 1991, Mr Bedell was provided with a revised work-site list

In a letter dated February 26, 1991, the Election Officer, based upon candidate eligibility changes resulting from the actions of the Court-appointed Investigation Officer, directed a reopening of the Local Union nominations for delegate and alternate delegate. Such new nominations were to occur at the March 10, 1991 general membership meeting of the Local. Representatives of the Election Office presided over the nominations. Members previously nominated did not have to be renominated. The count of ballots was rescheduled for April 17, 1991. At the March 10 meeting, two additional candidates for delegate were nominated.

(b) The Instant Protests.

Bedell's current protest was filed on February 20, 1991. It bases the request for a Union paid mailing of campaign literature for Bedell upon the allegation that the Local has delayed Bedell's ability to campaign. The following particulars are alleged:

- (1) Matters which were the subject of the earlier protests are realleged.
- (2) It is claimed that the job site list provided on February 12 is still inaccurate. The specific charge is that Boyd McGuinness and Summit Plaza, two employers on the list are shown as being in Jersey City rather than in Newark.
- (3) It is alleged that an unknown person(s) inserted next to Bedell's name on nomination notices posted at Yellow Freight, Elizabeth Terminal the words "Government Informer". It is alleged that Yellow Freight then removed those defaced notices.

(c) Conclusions.

Additional relief is not warranted for matters which were the subject of earlier protests by Mr Bedell and for which relief was granted. Those matters are closed and their disposition will not be reconsidered.

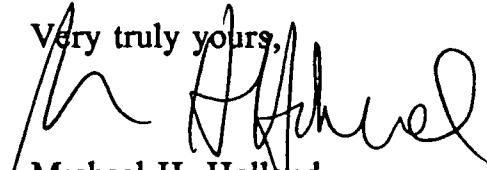
Lonnie Bedell
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It is my finding that, in furtherance of the purposes of the *Rules*, additional relief is not warranted to remediate the new allegations, even if true. The harm alleged has already been remedied by previous protests, e.g., the defacement issue. Further, the work-site list errors have now been corrected, Bedell knows that Boyd and Summit are located in Jersey City. Any delay in Mr. Bedell's ability to campaign, is more than compensated for by the extension of over a month and a half in the ballot count date. That period provides Mr. Bedell additional time for campaigning.

For these reasons, 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/ads

cc Frederick B. Lacey, Independent Administrator
Edward T. Ellis, Regional Coordinator