



OFFICE OF THE ELECTION OFFICER  
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
25 Louisiana Avenue, NW  
Washington, DC 20001

Michael H. Holland  
Election Officer

(202) 624 8778  
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April 4, 1991

**VIA UPS OVERNIGHT**

Robert L. Judd, Sr  
2810 Ventura Dr  
Indianapolis, IN 46241

John Neal  
President  
IBT Local Union 135  
1233 Shelby St  
Indianapolis, IN 46203

Consolidated Freightways  
3240 Hillview Ave  
Palo Alto, CA 94304

**Re: Election Office Case No. P-652-LU135-SCE**

Gentlemen

The Election Officer received a pre-election protest filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") concerning the propriety under the *Rules* of Mr. Judd's discharge from Consolidated Freightways. The Election Officer determined, in accordance with Mr. Judd's request, to delay deciding this protest until the hearing on the discharge which was held on March 28, 1991. The Election Officer has now received information that the hearing on March 28, 1991, as the hearing on March 7, 1991, resulted in a deadlock and that the matter is now scheduled for further hearing in June, 1991. The Election Officer has determined to continue to defer his decision in this matter until after the presently scheduled hearing, held under and pursuant to the procedures set forth in the collective agreement between Consolidated Freightways and the Union, is held and a decision issued.<sup>1</sup>

The Election Officer has, pursuant to the *Rules*, jurisdiction and authority to determine the instant protest on its merits. In re. McGinnis and Clement and IBT Local 710 and Yellow Freight Systems Inc., 91-Elec App -43, affirmed by the United States

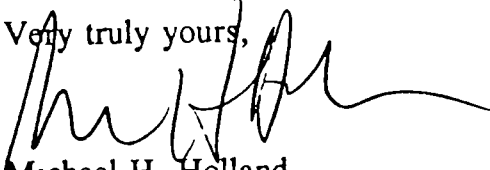
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<sup>1</sup>The protest does not allege, and the Election Officer has not determined, that this protest affects the results of the 1991 IBT International Convention delegate and alternate delegate election with respect to Local 135. Thus, the deferral of this protest will not delay the pending decisions concerning that election or the certification of that election.

Robert L. Judd, Sr  
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710 and Yellow Freight Systems Inc., 91-Elec App -43, affirmed by the United States District Court for the Southern District of New York, March 4, 1991 (written opinion pending) Further, the Election Officer is no bound in whole or in part by the decision reached in the grievance proceedings or by the findings of fact or conclusions of law made during the grievance process In re. Teller and Sealand Service Inc. and IBT Local Union No. 741, 91-Elec App -92 (SA)

Thus, while the Election Officer will defer his decision in this matter, he has the authority to conduct an independent investigation of the allegations in the protest and issue a decision on the merits of the protest, based upon his determination and evaluation of evidence presented to him in such independent investigation. Since the Election Officer will defer ruling on this protest until after the completion of the contractual mandated grievance processes, the investigation and decision will also include a review of the processes of the procedure and the representation afforded Mr. Judd in that process.

Very truly yours,  
  
Michael H. Holland

MHH/mca

cc Robert Stetson, Esq  
Consolidated Freightways  
3240 Hillview Ave  
Palo Alto, CA 94304

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Michael H. Holland  
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May 22, 1991

**VIA UPS OVERNIGHT**

Robert L. Judd, Sr  
2810 Ventura Drive  
Indianapolis, IN 46241

John Neal  
President  
IBT Local Union 135  
1233 Shelby Street  
Indianapolis, IN 46203

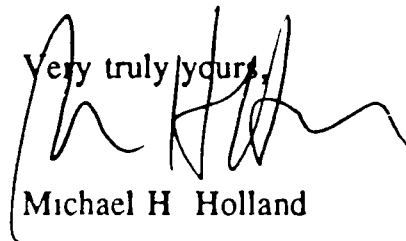
**Re: Election Office Case No. P-652-LU135-SCE**

Gentlemen

A pre-election protest was filed by Robert L. Judd, Sr pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") The protest relates to Mr. Judd's discharge from Consolidated Freightways. The Election Officer deferred ruling on Mr. Judd's discharge grievance in accordance with the procedures set forth in the collective bargaining agreement.

Mr. Judd's grievance had now been decided and Mr. Judd reinstated. Mr. Judd indicates that he is satisfied with his grievance and asks that his protest be withdrawn. The Election Officer finds that such withdrawal is consistent with the *Rules*, and therefore approves withdrawal of this protest.

Very truly yours,



Michael H. Holland

MHH/cdk

cc Frederick B. Lacey, Independent Administrator  
Peggy Hillman, Regional Coordinator