

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

March 25, 1991

VIA UPS OVERNIGHT

William Fleeger
4151 Bathel
Houston, Texas 77092

Albert Jones
c/o Local 988
3100 Katy Freeway
Houston, Texas 77270

Richard Hammond
President
IBT Local Union 988
3100 Katy Freeway
Houston, Texas 77270

Re: Election Office Case No. P-670-LU988-SOU

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, William Fleeger, complains that Albert Jones, his Local Union 988 steward, refuses to process his grievance protesting a general employee locker search conducted by his employer, Houston Dairy Mr Fleeger asserts that the Union's conduct is based upon his candidacy for delegate from Local 988 to the 1991 IBT International Convention

An investigation disclosed the following facts Fleeger wrote up and dated his grievance on February 18, 1991¹ Albert Jones, the steward, signed for the grievance on February 21, 1991 The grievance was mailed by the Union Office to the Employer by certified mail on February 21, 1991 and, according to the return receipt, was received by the Employer on February 26, 1991 The instant protest was filed on February 22, 1991 According to Richard Hammond, the Union President, the grievance is currently being investigated by Business Representative Bill Sowell The Union President further

¹Fleeger contemporaneously filed both the subject grievance pertaining to the locker search and a second grievance over his five day suspension resulting from his argument with management over the locker search The Union has processed both grievances together in the manner stated in the text with regard to the locker search grievance

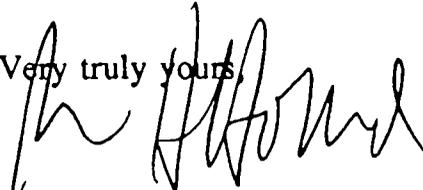
William Fleeger
Page 2

asserts that the subject grievance is being processed in the customary manner by the Union

No evidence was presented by Fleeger indicating that Local 988 was not processing his grievance or processing outside the normal methodology for handling grievances. The Election Officer investigation uncovered no evidence that the Union was processing this grievance other than in the normal course of business. Accordingly, 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
Larry R. Daves, Regional Coordinator