



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

Michael H Holland  
Election Officer

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December 30, 1991

**VIA UPS OVERNIGHT**

Anthony T Hooks  
5449 Laura Lane  
Cincinnati, OH 45212

Michael H Dickens, President  
IBT Local Union 100  
2100 Oak Road  
Cincinnati, OH 45241

Jack C Weber  
4266 Scottwood Dr.  
Hamilton, OH 45014

Duane Wilson  
4232 Forsythea Dr.  
Cincinnati, OH 45245

**Re: Election Office Case No. P-702-LU100-SCE**

Gentlemen:

A protest was filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Anthony Hooks, a Business Agent and the Vice President of Local Union 100. Mr. Hooks' protest alleged that he was subjected to an assault and battery by Duane Wilson, also a Business Agent of Local 100, in retaliation for Mr Hooks' participation in the 1991 IBT International Union delegate election and his successful candidacy as a delegate to the 1991 IBT International Union Convention from Local 100. The Election Officer, having determined that Mr Hooks' protest, whether or not valid, did not affect the results of the delegate and alternate delegate election for Local Union 100 and given the fact that Charles Carberry, the Court-appointed Investigations Officer, had commenced an investigation of the events which were the subject of Mr Hooks' protest, deferred the protest until after the conclusion of the investigation then being conducted by the Investigations Officer.

The Investigations Officer subsequently filed charges against Mr Wilson with the Independent Administrator contending that Mr Wilson violated his obligations under the IBT International Union Constitution by his alleged assault of Mr. Hooks, the same assault which is the subject of the instant protest. On December 23, 1991, the Independent Administrator issued his decision in the matter, see Investigations Officer v. Duane Wilson, Michael H. Dickens and Jack Weber.

The Independent Administrator found Mr Wilson guilty of the alleged assault, suspended Mr Wilson for a period of five years from the IBT and directed that Mr.

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Wilson "shall not in any way, directly or indirectly, harass, interfere with, assault, threaten or take any other action in any way detrimental to the rights, employment, IBT membership, benefits or other interests of Hooks or any other person involved on behalf of Hooks in this matter " The Independent Administrator further ordered that "Wilson shall not participate in any way in any grievance, disciplinary matter, arbitration or any other union matter or employment matter pertaining to Hooks, or any other person involved on behalf of Hooks, in this matter at any time in the future." While the Independent Administrator stayed that portion of his decision suspending Mr. Wilson from the IBT pending Court review of his decision, the Independent Administrator ordered that the other provisions of his decision against Mr. Wilson be immediately effective

By reason of the foregoing, the allegation of the instant protest--the allegation that Mr Wilson physically assaulted Mr Hook--has been fully determined and remedied by the Independent Administrator's decision of December 23, 1991. The Independent Administrator found that the allegations of the charges before him, identical to the allegations of the instant protest, were true and imposed immediately effective cease and desist orders on Mr Wilson in favor of Mr Hooks. By so doing, the Independent Administrator has provided the full measure of relief that could be provided by the Election Officer in his determination of this protest.

There is no necessity for any further action to be taken by the Election Officer. The matter has been fully heard and decided, and a complete and adequate remedy imposed. Accordingly, the Election Officer concludes that the allegations of the instant protest are *res judicata*, and the protest is DISMISSED on that basis.

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

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**MHH/mjv**

**cc Frederick B Lacey, Independent Administrator**

**Charles Carberry, Investigations Officer**

**Peggy A Hillman, Regional Coordinator**