

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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July 29, 1991

VIA UPS OVERNIGHT

David Kuno
2544 Firestone Circle
Lake Havasu City, AZ 86403

Terry Moser
Secretary-Treasurer
IBT Local Union 104
1450 S. 27th Avenue
Phoenix, AZ 85009

Re: Election Office Case No. P-808-LU104-RMT

Gentlemen:

A protest was filed with the Election Officer pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"). In that protest, David Kuno alleges that the *Rules* were violated by Local Union 104 as a result of the Union's failure to adequately compensate him for his transportation expenses to and from the 1991 IBT International Convention in Orlando, Florida. The Election Officer's investigation of this protest revealed the following.

David Kuno was a delegate to the IBT International Convention from Local Union 104. Unlike the other delegates from Local Union 104, Mr. Kuno drove to the IBT Convention using his own automobile. The other delegates from the Local Union used air transportation to and from the Convention site. The Local Union reimbursed Mr. Kuno in the amount of \$347.00 for his transportation expenses. Mr. Kuno says that the Local paid \$620.00 for airplane tickets for some of its delegates or alternates and seeks transportation reimbursement in that amount.

The Advisory Regarding Convention Expenses, issued on April 19, 1991, provides that the Local Union is responsible for the travel expenses of its delegates and, if applicable, its alternates, for their transportation to and from the Convention site. The Advisory goes on to state that while Local Unions may make travel arrangements for their delegates and alternate delegates, the delegates and alternates are not required to use the utilize the arrangements provided by the Local Union. However, if the delegate or alternate makes his own travel arrangements, he cannot receive reimbursement in an amount greater than the cost that would have been borne by the Local Union had the Union's arrangements been utilized.

The Election Officer's investigation revealed that the Local Union incurred travel expenses for delegates, who utilized arrangements provided by the Local Union, of

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\$591.60 for transportation expenses to and from the Convention site.¹ Given the round trip mileage from Lake Havasu City, Arizona, Mr. Kuno's home, and Orlando, Florida the Advisory's requirement that automobile transportation be compensated at the rate of 24 cents per mile, and the payment by the Local of \$591.60 as transportation expenses for certain of its delegates, the Election Officer concludes that Mr. Kuno is entitled to reimbursement in the amount of \$591.60.

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/mjv

cc: Frederick B. Lacey, Independent Administrator, IBT
Bruce Boyens, Regional Coordinator

¹The Local initially procured tickets at the rate of \$340 10 for each round trip ticket but subsequently changed the air reservations for at least some of its delegates and alternates from a Sunday, June 30, 1991 return date to a Saturday, June 29, 1991 return date. For those tickets, the Local incurred an additional charge. The total airfare for each of these delegates and/or alternates became \$591 60.