

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 17, 1991

VIA UPS OVERNIGHT

James A. Benson
2425 W. Banff Lane
Phoenix, AZ 85023

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

Re: Election Office Case No. P-816-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 his protest, Mr. James Benson, a Trustee of Local Union 104, alleges that the *Rules* were violated as a result of the Local Union's failure to inform him of its receipt of a TITAN message inviting him to a candidates' forum. The Election Officer's investigation of this protest revealed the following.

Mr. Benson was nominated for the position of International Vice President At Large at the 1991 IBT International Convention. After the close of the Convention Mr. Benson went on vacation and did not return to Arizona until July 9 or 10, 1991. On July 1, 1991 a TITAN message was sent to Mr. Benson at the Local Union 104 office. The message was an invitation to a candidates' forum in Eugene, Oregon to be held on July 20, 1991. Mr. Benson was not informed of the receipt of the TITAN message by the Local Union, he first learned about the existence and content of the message on July 13, 1991.

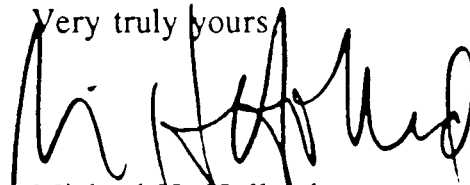
Mr. Benson is an elected Trustee of Local 104 and an Officer and Executive Board member of the Local, IBT Constitution, Article XXII, § 2(a). It is thus to be expected that correspondence and telephone calls will be directed to him at the Local. Under these circumstances, the Local Union violated the *Rules* when it failed to bring to Mr. Benson's attention its receipt of a TITAN message addressed to him as a candidate for International Vice President. However, given the fact that Mr. Benson learned of the invitation soon after his return to Arizona, and before the date of the forum, the violation of the *Rules* is only a technical one.

In order to avoid such problems in the future, the Election Officer directs the Local Union to set aside a place in its office for messages and correspondence addressed

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to Mr. Benson, whether in his capacity as Trustee, Officer, or Executive Board member or in his capacity as a nominated candidate for International Office. All Local Union Officers and employees shall be directed to immediately place all correspondence and telephone messages in that area upon receipt by the Local Union. Mr. Benson can then come into the office to pick up these messages at his "mailbox."

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