

July 16, 1996

VIA HAND DELIVERY

Phil Rushing
Doubletree Hotel
Philadelphia, PA

VIA FACSIMILE

Pat Miraglio, Secretary-Treasurer
Teamsters Local Union 439
1531 E. Fremont Street
Stockton, CA 95205
Fax (209) 948-3424

Re: Election Office Case No. CONV-13-LU439-CSF

Gentlemen:

Phil Rushing, a delegate from Local Union 439, filed a protest pursuant to Article XIV, Section 2(b) of *the Rules for the 1995-1996 IBT International Union Delegate and Officer Election ("Rules")* against Local Union 439 Secretary-Treasurer Pat Miraglio. The protester alleged that Local Union 439 has failed to pay the hotel expenses for its delegates.

Regional Coordinator Judith Kuhn investigated the protest.

Mr. Miraglio responds that the local union attempted to pay for the hotel of its delegate with a credit card for an account that had exceeded its allowed credit. However, Mr. Miraglio states that the local union will be using another credit card with remaining credit sufficient to cover the hotel expenses of the local union delegates.

Phil Rushing
July 16, 1996
Page 2

Article IV, Section 3 of the *Rules* requires the local union to pay the expense of all delegates to which it is entitled. The local union has resolved the problem with the hotel which will now accept the payment by credit card or a check sent by overnight mail to the hotel. Under the present circumstances, the Election Officer concludes that further processing of this protest is unwarranted. The protester's complaint, as stated in the protest, has been addressed, and relief has been provided.

Accordingly, this protest is now RESOLVED.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within one day of 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:

Kenneth Conboy, Esq.
Latham & Watkins
885 Third Avenue, Suite 1000
New York, NY 10022
Fax (212) 751-4864

Copies of the request for hearing must be served on the parties listed above as well as upon the Election Officer, Pennsylvania Convention Center, Room 204, Facsimile (202) 418-2426. A copy of the protest must accompany the request for a hearing.

Sincerely,

Barbara Zack Quindel
Election Officer

cc: Kenneth Conboy, Election Appeals Master
Judith Kuhn, Regional Coordinator