

September 20, 1995

VIA UPS OVERNIGHT

James W. Bard  
2125 Swanson Drive  
Deltona, FL 32738

Re: Election Office Case No. E-003-LU385-EOH  
Protest of James W. Bard  
Eligibility of James W. Bard to Run for Delegate

Sir:

By letter received by the Election Officer on August 17, 1995, James W. Bard (Soc. Sec. No. xxx-xx-2401) requested that the Election Officer determine his eligibility to run for delegate to the International Convention. By notice dated August 22, 1995, the Election Officer ruled Mr. Bard ineligible to run for delegate.

In order to be eligible to run for delegate to the International Convention, a member must be in continuous good standing with his Local Union, with his dues paid to the Local Union for a period of 24 consecutive months prior to the month of nomination with no interruption in active membership due to suspensions, expulsions, withdrawals, transfers or failure to pay fines or assessments. *Rules for the 1995-1996 IBT International Union Delegate and Officer Election ("Rules")*, Article VII, Section 1(a)(1).

Mr. Bard filed a timely protest to the ruling of the Election Officer dated August 25, 1995. He contends that his dues delinquency was due to an oversight on the part of the Local Union. He also stated that his April, 1994 dues were deducted from his strike pay.

The TITAN communication system record reflects that Mr. Bard was on Withdrawal from June 30, 1994 until February 13, 1995. Mr. Bard also paid his cash dues late for April, 1994.

Accordingly, it is the determination of the Election Officer that Mr. Bard is ineligible to run for delegate to the IBT International Convention. As a result, his protest is DENIED.

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.  
Mudge, Rose, Guthrie, Alexander & Ferdon  
180 Maiden Lane, 36th Floor  
New York, NY 10038  
Fax (212) 248-2655

Copies of the request for hearing must be served on the parties listed above as well as upon the Election Officer, 400 North Capitol Street, Suite 855, Washington, D.C. 20001, Facsimile (202) 624-3525. A copy of the protest must accompany the request for a hearing.

Sincerely,

Barbara Zack Quindel  
Election Officer

cc: Election Appeals Master Kenneth Conboy  
J. Griffin Morgan, Regional Coordinator