

November 26, 1996

VIA UPS OVERNIGHT

Dave Carter
4049 Groveport Road
Obetz, OH 43207

John Mozena, Labor Relations Manager
Consolidated Freightways
2615 Breckszille Road
Cleveland, OH 44286

William Wright, President
Teamsters Local Union 100
2100 Oak Road
Cincinnati, OH 45241

Arthur Hackworth
Consolidated Freightways
175 Linfeld Drive
Menlo Park, CA 94025

Richard Brook
Cohen, Weiss & Simon
330 W. 42nd Street
New York, NY 10036

Bradley T. Raymond
Finkel, Whitefield, Selik, Raymond,
Ferrara & Feldman
32300 Northwestern Highway, Suite 200
Farmington Hills, MI 48334

Re: Election Office Case No. P-1160-LU413-CLE

Gentlemen:

Dave Carter, a member of Local Union 413, filed a pre-election protest pursuant to Article XIV, Section 2(b) of the ***Rules for the 1995-1996 IBT International Union Delegate and Officer Election ("Rules")*** against CF Motor Freight ("CF"), John Mozena, a regional labor relations manager at CF, and the Hoffa campaign. Mr. Carter contends that on October 30, 1996, Mr. Mozena was on the premises of Local Union 100 wearing a Hoffa hat and shirt, representing a prohibited employer contribution by Mr. Mozena and CF.

Mr. Mozena denies the alleged conduct. He states that he did not wear a Hoffa hat or shirt on October 30 and he was not at Local Union 100's office.

This protest was investigated by Regional Coordinator Joyce Goldstein.

Mr. Mozena states that on October 30, 1996, he was in the Cincinnati area between 7:30 a.m. and 2:30 p.m., but was never within five miles of Local Union 100's office.

Mr. Mozena gave a detailed description of his meetings on that day, which were corroborated by Dispatch Operations Manager Keith Johnson. The investigator found the detailed recollections of Messrs. Mozena and Johnson to be credible.

Mr. Carter states that he was in Cincinnati on October 30 to speak with Local Union 100 President William Wright. Mr. Carter states that at approximately noon, he saw an individual enter the Local Union 100 waiting area wearing a Hoffa hat and shirt. Mr. Carter admits that he could not see the person's face or hair color. Mr. Carter states, however, as this person was walking toward the door, he saw his eyes for three or four seconds from four or five feet away. Based on this observation, Mr. Carter states that the individual was Mr. Mozena, although he admits he had not seen Mr. Mozena for about a year.¹ After seeing this individual, Mr. Carter asked Mr. Wright if Mr. Mozena had been at the local union office that day and Mr. Wright said no.

While it is a violation of the *Rules* for employers to contribute to International officer campaigns, the Election Officer finds that based on the evidence here, such a contribution cannot be sustained. Based on the statements of Messrs. Mozena and Johnson, and the statement of Mr. Wright to Mr. Carter that Mr. Mozena was not at the local union office on October 30, the Election Officer finds that the conduct alleged did not occur.

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

¹Mr. Mozena has been a CF manager since May 1996. Prior to that time, he was an IBT member for 30 years.

Dave Carter
November 26, 1996
Page 3

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

Sincerely,

Barbara Zack Quindel
Election Officer

cc: Kenneth Conboy, Election Appeals Master
Joyce Goldstein, Regional Coordinator