

December 3, 1996

VIA US & UPS OVERNIGHT

Terry Flanagan, Sr.
P.O. Box 88
Oakhurst, CA 93644

Mark Allison, Plant Manager
Grocers General Merchandise Company
1888 Southeast Avenue
Fresno, CA 93721

Re: Election Office Case No. P-1280-LU431-CSF

Gentlemen:

A pre-election protest was filed pursuant to Article XIV, Section 2(b) of the *Rules for the 1995-1996 IBT International Union Delegate and Officer Election ("Rules")* by Terry Flanagan, Sr., a member of Local Union 431. Mr. Flanagan alleges that on November 20, 1996, he was denied access to the employee parking lot at Grocers General Merchandise Company ("Grocers" or "employer"). Mr. Flanagan also alleges that a Grocers employee was ordered to stop distributing campaign material and that a warehouse shop steward, Murray James, has been seen removing campaign material supporting the Ron Carey No Corruption-No Dues Increase Slate from the break room and the employee bulletin board.

The employer admits that the protester was denied access.

This protest was investigated by Regional Coordinator Matthew D. Ross.

On November 22, 1996, the Regional Coordinator received a telephone call from Grocers Plant Manager Mark Allison, during which Mr. Allison agreed to permit access to the employer's

parking lot, in accordance with the *Rules*. A subsequent letter from Mr. Allison to Mr. Ross confirmed the agreement. The protester has been advised to re-visit the work site if he wishes to campaign there.

As to the protester's additional allegations, Regional Coordinator Ross attempted to contact Mr. Flanagan by telephone and letter on several occasions. Despite these efforts, Mr. Flanagan did not contact Regional Coordinator Ross and no evidence has been submitted to support his allegations.

Accordingly, this protest is RESOLVED as to the issue of campaign access and DENIED in all other respects.

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, 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

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cc: Kenneth Conboy, Election Appeals Master
Matthew D. Ross, Regional Coordinator