

October 8, 1998

VIA FIRST CLASS MAIL

John Metz
302 Waterside Drive
Wildwood, MO 63040

John Metz Slate
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Acting General Counsel
Int'l Brotherhood of Teamsters
25 Louisiana Avenue, NW
Washington, DC 20001

Tom Leedham
c/o Tom Leedham Campaign Office
P.O. Box 15877
Washington, DC 20003

David A. Eckstein
35 E Street, NW, #110
Washington, DC 20001

Re: Election Office Case No. PR-215-IBT-SCE

Gentlemen:

John Metz, a candidate for general president, 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 Tom Leedham, a candidate for general president, and the Tom Leedham "Rank and File Power Slate." Mr. Leedham is an opposing candidate for general president. Mr. Metz alleged that David Eckstein, an employee of the IBT Field Services Department, organized three "corporate campaigns" as a pretext to use union resources in support of Mr. Leedham's candidacy. The protester further alleged that Mr. Eckstein and other IBT employees have traveled and "continue to travel at the expense of the IBT for the purpose of engaging in campaign activities for Mr. Leedham and his slate." Mr. Eckstein and Mr. Leedham denied the allegations.

The protest was investigated by Regional Coordinator J. Griffin Morgan.

The protester contends that the timing of the commencement of the campaigns together with the failure of Mr. Eckstein to even inform the IBT Director in the Airline Division of these activities evidences Mr. Eckstein's true intent. The protester could not substantiate either of the allegations with any first hand knowledge. At the suggestion of the protester's representative, Dennis Skelton was interviewed. Mr. Skelton claimed that he knew the names of two witnesses

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who had overheard a conversation in the IBT lunch room in which Mr. Eckstein admitted his intention to start field campaigns "in order to get people in the field so that they could campaign for the Leedham Slate." However, Mr. Skelton refused to identify these witnesses because, according to him, they feared retaliation. Neither Mr. Skelton nor any other person interviewed provided any witnesses or documents which established that any IBT action had been initiated to campaign or that any IBT employees had traveled for campaign purposes.

The protester bears the burden of proof to present evidence that a violation has occurred. **Rules**, Article XIV, Section 1. The Election Officer has consistently denied protests when the protester offers no evidence to corroborate and support his allegations. Leedham Slate, PR-264-LU237-EOH (September 16, 1998); Hoffa, PR-043-LU385-SCE (January 9, 1998); Pike, P-278-LU952-CLA (January 30, 1996).

Neither Mr. Metz nor any other witness submitted sufficient evidence to meet the evidentiary requirement. No evidence was presented to show that Mr. Eckstein initiated any union-related events or activities for improper reasons. The circumstantial factors suggested by the protester, including the timing of the events or the failure to give notice of them, are insufficient to show that union resources have been used to campaign in violation of the **Rules**. Moreover, the Election Officer addressed the longstanding nature of many of these campaigns in Eckstein, PR-135-IBT-EOH (August 14, 1998), aff'd, 98 - Elec. App. - 369 (September 8, 1998).

Accordingly, the protest is DENIED.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within one (1) 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, 444 North Capitol Street, NW, Suite 445, Washington, DC 20001,

Facsimile (202) 624-3525. A copy of the protest must accompany the request for a hearing.

Sincerely,

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Michael G. Cherkasky
Election Officer

MGC:mk

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