

October 26, 1998

**VIA FIRST CLASS MAIL**

Michael P. Hennessy  
218 Woodlawn Avenue  
Collingdale, PA 19023

John W. Braxton  
4712 Windsor Avenue  
Philadelphia, PA 19143

David L. Neigus  
Acting General Counsel  
Int'l Brotherhood of Teamsters  
25 Louisiana Avenue, NW  
Washington, DC 20001

Tom Sever, Acting General  
President/Secretary-Treasurer  
Int'l Brotherhood of Teamsters  
25 Louisiana Avenue, NW  
Washington, DC 20001

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

**Re: Election Office Case No. PR-286-IBT-EOH**

Gentlemen:

Michael Hennessy, a member of Local Union 623, 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 John Braxton, an employee with the Education Department of the IBT.<sup>1</sup> The protester claims that on September 2, 1998, Mr. Braxton was distributing Leedham campaign literature to UPS employees at the Philadelphia Airport facility on union time in violation of the **Rules**.

In response, Mr. Braxton claims that he distributed Leedham campaign literature to UPS employees at the Philadelphia Airport facility on September 3, 1998, not September 2, 1998, as the protester alleges, and that he was on vacation time while doing so.

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<sup>1</sup>Mr. Braxton has resigned from the IBT since this protest was filed.

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The protest was investigated by Protest Chief Mary Leary.

The investigation confirmed Mr. Braxton's assertions that he was campaigning at the Philadelphia Airport with other Leedham supporters Joe Kirkwood, Bill Shanahan and John McCormick, candidate for general secretary-treasurer on the Leedham slate, on September 3, 1998, and was on vacation time while doing so.

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,

Michael G. Cherkasky  
Election Officer

cc: Kenneth Conboy, Election Appeals Master