

OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: TIM PAGEL,)	
)	Protest Decision 2005 ESD 21
Protestor.)	Issued: October 31, 2005
)	OES Case No. P-05-025-102105-SO
)	
)	

Tim Pagel, a member of Local Union 988, filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2005-2006 IBT International Union Delegate and Officer Election (“*Rules*”). The protest alleged that the local union failed to produce a copy of its local union plan upon request, as required by the *Rules*.

Election Supervisor representative Dolores C. Hall investigated the protest.

Findings of Fact and Analysis

Local Union 988 submitted its local union plan for the delegate and alternate delegate election to our office for review and approval on September 30, 2005.

On October 4, the protestor made written request for a copy of the proposed plan from the local union’s trustee, Willie Smith. At a membership meeting held October 16, Smith acknowledged receiving the protestor’s request for the plan but stated that he would not produce it until our office approved the plan. This protest followed.

Under Article II, Section 4(c) of the *Rules*, each local union member has “the right to obtain, upon request, a copy of the plan from the Local Union at no cost” once the plan is submitted to the office of the Election Supervisor.

After speaking with our investigator, trustee Smith agreed to produce a complete copy of the local union plan to the protestor. The protestor received the plan on October 25 and considers his request satisfied.

Accordingly, we deem this protest RESOLVED.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within two (2) working days of receipt of this decision. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Supervisor in any such appeal. Requests for a hearing shall be made in writing, shall specify the basis for the appeal and shall be served upon:

Kenneth Conboy
Election Appeals Master

Pagel, 2005 ESD 21
October 28, 2005

Latham & Watkins
Suite 1000
885 Third Avenue
New York, New York 10022
Fax: (212) 751-4864

Copies of the request for hearing must be served upon the parties, as well as upon the Election Supervisor for the International Brotherhood of Teamsters, 1725 K Street, N.W., Suite 1400, Washington, D.C. 20007-5135, all within the time prescribed above. A copy of the protest must accompany the request for hearing.

Richard W. Mark
Election Supervisor

cc: Kenneth Conboy
2005 ESD 21

Pagel, 2005 ESD 21

October 28, 2005

DISTRIBUTION LIST (BY EMAIL UNLESS OTHERWISE SPECIFIED):

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