

**OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS**

IN RE: TRES PEEL,) Protest Decision 2006 ESD 120
) Issued: February 27, 2006
Protestor.) OES Case Nos. P-06-169-022206-MW
_____)

Tres Peel, a member of Local Union 726, 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 that ballot for the delegate and alternate delegate election was laid out differently than the notice of results of nomination meeting.

Peel is a member of and self-designated contact person for the F.E.F.A. slate, one of three slates and eight independent candidates competing for five delegate positions. The notice of results of nominations meeting listed the F.E.F.A. slate and its candidates first, the Every Teamster Counts slate second, and the Fair and Equity slate third. The slates are listed in the same order on the ballot, except they are shown in two columns on the ballot as compared with one on the notice. In both instances, the F.E.F.A. is listed first in the upper left corner of the page.

Article II, Section 6(a) provides:

As soon as possible but in no event later than five (5) days following the nomination meeting(s), the Local Union Secretary-Treasurer shall post on all Union bulletin boards a list of all nominated candidates, by name (and by slate affiliation, if known at the time). When the number of nominees for delegate or for alternate delegate does not exceed the number to be elected to that position, the list to be posted shall state that such nominees have been declared elected. A copy of this posting shall be sent immediately to the Election Supervisor.

Article II, Section 10(b) provides:

The names of all candidates for delegates and alternates shall be printed on the ballot. The names of all candidates of any slate shall be placed under the heading of the slate name or title as designated by the slate declaration form previously submitted to the Local Secretary-Treasurer. The names of all other delegate and alternate delegate candidates shall be printed on the ballot in a column or columns under the heading "Independent Candidates." Delegate candidates and alternate delegate candidates shall be listed separately.

All full and partial slates shall be listed on the ballots before the column(s) headed "Independent Candidates." The order of placement of the slates on the ballot shall be determined by lot. The members of each slate shall determine the order of each candidate's name within the slate listing. Among the independent candidates, the order of placement on the ballot shall be determined by lot.

All slates and independent candidates were listed on the ballot according to the respective positions they won by lot. Although the *Rules* do not require that the ballot listing of the

Peel, 2006 ESD 120
February 27, 2006

candidates match the listing that appeared in the notice of nominations meeting results, they did in this case.

Accordingly, we DENY the protest because it fails to allege a violation of the *Rules*.

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
Latham & Watkins
885 Third Avenue, Suite 1000
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
2006 ESD 120

DISTRIBUTION LIST (BY EMAIL UNLESS OTHERWISE SPECIFIED):

Bradley T. Raymond, General Counsel
International Brotherhood of Teamsters
25 Louisiana Avenue, NW
Washington, DC 20001-2198
braymond@teamster.org

Sarah Riger, Staff Attorney
International Brotherhood of Teamsters
25 Louisiana Avenue, NW
Washington, DC 20001-2198
sriger@teamster.org

David J. Hoffa, Esq.
Hoffa 2006
30300 Northwestern Highway, Suite 324
Farmington Hills, MI 48834
David@hoffapllc.com

Barbara Harvey
645 Griswold Street
Suite 3060
Detroit, MI 48226
blmharvey@sbcglobal.net

Ken Paff
Teamsters for a Democratic Union
P.O. Box 10128
Detroit, MI 48210
ken@tdu.org

Judith Brown Chomsky
P.O. Box 29726
Elkins Park, PA 19027
jchomsky@igc.org

Stephen Ostrach
1863 Pioneer Parkway East, #217
Springfield, OR 97477-3907
saostrach@gmail.com

Tres Peel
12207 S. Stewart
Chicago, IL 60628

James W. Green, Jr.
230 W. Monroe Street
Chicago, IL 60606

Thomas Clair, Secretary-Treasurer
IBT Local Union 726
1645 West Jackson
Chicago, IL 60612

William C. "Bill" Broberg
1108 Fincastle Road
Lexington, KY 40502
wcbroberg@aol.com

Jeffrey Ellison
510 Highland Avenue, #325
Milford, MI 48381
EllisonEsq@aol.com