

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

IN RE: ELIGIBILITY OF)	
JOSEPH GREISHOP AND)	Protest Decision 2006 ESD 139
VICTOR ARENBURG,)	Issued: March 13, 2006
Local Union 957)	OES Case No. E-06-036-030206-HQ
_____)	

Doug Davis, member and secretary-treasurer of Local Union 957, filed an eligibility protest pursuant to Article XIII, Section 2(b) of the Rules for the 2005-2006 IBT International Union Delegate and Officer Election (“*Rules*”). He alleged that Joseph Greishop and Victor Arenburg are ineligible for election as delegate or alternate delegate to the 2006 IBT convention under the *Rules* because of untimely payment of dues during the 24-month eligibility period.

Election Supervisor representative Steven R. Newmark investigated this protest.

Findings of Fact

TITAN records for Greishop show that he has been on check-off for the entire 24 month eligibility period. Twice during the eligibility period, Greishop’s dues were posted to TITAN one month late. Thus, dues for November and December 2004 were posted in December; similarly, dues for May and June 2005 were posted in June.

Our investigation revealed that Grieshop had sufficient earnings in November 2004 and May 2005 to fund his dues obligation for each month.

Arenburg’s TITAN record shows that he too has been on check-off for the entire 24 month eligibility period. The TITAN indicates that Arenburg took a withdrawal card on July 18, 2005 and deposited it on August 19, 2005. In addition, Arenburg’s dues checkoff was one month behind from August – November of 2004.

Our investigation revealed that Arenburg had sufficient earnings to fund his monthly dues obligations in each of the 24 months of the eligibility period, including July and August, 2005.

Analysis

Article VI, Section 1 of the *Rules* provides that “to be eligible to run for any Convention delegate, alternate delegate or International Officer position, one must: (1) be a member in continuous good standing of the Local Union, with one’s dues paid to the Local union for a period of twenty-four (24) consecutive months prior to the month of nomination for said position with no interruptions in active membership due to suspensions, expulsions, withdrawals, transfers or failure to pay fines or assessments; [and] (2) be employed at the craft within the jurisdiction of the Local Union for a period of twenty-four (24) consecutive months prior to the month of nomination.”

A member on dues check-off retains his good standing even if his dues were remitted late or not at all, provided he gave a check-off authorization and had sufficient earnings in the

Grieshop & Arenburg, 2006 ESD 139

March 13, 2006

month from which dues could have been deducted. IBT Constitution, Article X, Section 5(c); Dunn, E9 (October 31, 1995); Reynozo, 2005 ESD 18 (October 25, 2005); aff'd, 06 EAM 05 (January 4, 2006).

A member on withdrawal status generally loses continuous good standing if the withdrawal occurs within the 24-month eligibility period. *Wuorinen*, E7 (October 6, 1995). However, if the member returns from withdrawal status in the month immediately following the month when withdrawal status commenced and the member either timely pays dues for each month in cash or has sufficient earnings in each month from which the dues could be deducted, the withdrawal status will not render the member ineligible. IBT Constitution, Article IV, Section 4(a)(1).

We find that both Greishop and Arenburg were on dues check-off and had sufficient earnings in each of the 24 months of the eligibility period to fund his monthly dues obligations. We further find that Arenburg's brief withdrawal status did not cause an interruption in his continuous good standing because he deposited the withdrawal card in the month immediately following the month in which he took it and had sufficient earnings in each month from which his dues were deducted.

Accordingly, we DENY this protest and find Greishop and Arenburg ELIGIBLE to run for delegate or alternate delegate to the 2006 IBT Convention.

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 139

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