



OFFICE OF THE ELECTION OFFICER
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Michael H Holland
Election Officer

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January 24, 1991

VIA UPS OVERNIGHT

James Wheeler
78 Prospect Street
Huntington, NY 11743

Jack Tarshis
President
IBT Local Union 805
888 7th Avenue, Third Floor
New York, NY 10019

Brian Q Bochow
625 Gramatan Ave #6-H
Mt Vernon, NY 10552

Re: Election Office Case No. P-246-LU805-NYC

Gentlemen

A pre-election protest was timely filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") In his protest, Mr Brian Bochow contends that the nomination of second of James Wheeler, a candidate for delegate to the 1991 IBT Convention, were made in writing for reasons not permitted by the *Rules*, and requests the Election Officer to investigate

The investigation shows the following Mr Wheeler was nominated in writing by Mr Ralph Herman He was seconded in writing by Mr Ralph Teta In their written nomination and second, Messrs Herman and Teta state that their work schedules prohibited them from attending the nominations meeting

The *Rules* provide that a candidate may be nominated and seconded in writing if the member who is nominating or seconding is unable to attend the nominations meeting in person due to work or vacation schedule, illness, injury, obligation to serve jury duty or fulfill military obligations " *Rules*, Article II, § 3(f)

The Election Officer reviewed the TITAN Records of Messrs Herman and Teta

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and determined that they each are eligible to nominate and second, with dues timely paid through the month preceding the nominations meeting as required by the IBT *Constitution* and the *Rules Rules*, Article II, § 3(h)

The Election Officer investigated further and determined from the time cards furnished to the Election Office by the Employer that both Mr Herman and Mr Teta were in fact at work during the time of the Local 805 nominations meeting, held on January 7, 1991

Based on the foregoing, it is clear that the *Rules* have not been violated since Messrs Herman and Teta are members in good standing with dues paid through December, 1990, and since each member submitted a written nomination and second explaining that their work schedule prevented each from attending the nominations meeting, and since their work schedule in fact prevented Messrs Herman and Teta from attending the nominations meeting Accordingly, the protest is **DENIED**

If any interested party is not satisfied with this determination, they may request a hearing before the Independent Administrator within twenty-four (24) hours of their 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 Independent Administrator Frederick B Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, New Jersey 07102-5311, Facsimile (201) 622-6693 Copies of the request for hearing must be served on the parties listed above, as well as upon the Election Officer, IBT, 25 Louisiana Avenue, N.W., Washington, D. C 20001, Facsimile (202) 624-8792 A copy of the protest must accompany the request for a hearing

Very truly yours

Michael H Holland

MHH/ads

cc Frederick B Lacey, Independent Administrator, IBT
Amy Gladstein, Regional Coordinator