

February 9, 1996

VIA UPS OVERNIGHT

Charles E. Walker, President  
Teamsters Local Union 744  
300 S. Ashland Avenue, Room 202  
Chicago, IL 60607

Thomas C. Kapp  
1843 W. Byron Street  
Chicago, IL 60613

Re: Election Office Case No. E-045-LU744-EOH

Gentlemen:

Charles E. Walker, president of Local Union 744, filed a protest challenging the eligibility of Local Union 744 Member Thomas C. Kapp, who was nominated on January 20, 1996 to run for delegate to the International convention as defined by the *Rules for the 1995-1996 IBT International Union Delegate and Officer Election* ("*Rules*"). The protester alleges that Mr. Kapp was not a member in good standing in August, September, October and December 1994, having paid no dues in those months because he had been issued a withdrawal card effective July 1994.

The TITAN record shows that Mr. Kapp, who is on check-off, did not owe or pay dues for the months of November and December 1994 and January and February 1995. Mr. Kapp received a withdrawal card effective July 1994 because, at that time, he had been working in a light-duty position outside of the bargaining unit represented by the union. However, he was credited as paid through October 1994 because of advance payments made by his employer. Mr. Kapp returned to work on

December 27, 1994, when his withdrawal card was deposited by the local union. Because of credits for advance payments, he was determined not to owe dues until March 1995.

The months for which Mr. Kapp did not owe dues, November and December 1994 and January and February 1995, are not the same months for which his withdrawal was effective, or the same months in which he did not hold a job represented by the union. However, there is no dispute that for at least four months in 1994, Mr. Kapp was on withdrawal status and did not owe dues.

In order to be eligible to run for delegate to the International convention, a member must be in continuous good standing with his or her local union, with his or her dues paid to the local union for a period of 24 consecutive months prior to the month of nomination with no interruption in active membership due to suspensions, expulsions, withdrawals, transfers or failure to pay fines or assessments and be employed at the craft within the jurisdiction of the local union for a period of 24 consecutive months prior to the month of nomination. *Rules*, Article VII, Sections 1(a)(1) and (2).

There is no dispute that for at least four months during the 24 consecutive months prior to the month of Mr. Kapp's nomination, he owed no dues due to his withdrawal. Therefore, he was not in good standing for the period of 24 consecutive months as required by the *Rules* to be eligible to run for delegate.

Accordingly, the Election Officer finds Mr. Kapp to be ineligible to run for delegate.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within one 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 and 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, 400 North Capitol Street, Suite 855, Washington, D.C. 20001, Facsimile (202) 624-3525. A copy of the protest must accompany the request for a hearing.

Sincerely,

Barbara Zack Quindel  
Election Officer

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cc: Kenneth Conboy, Election Appeals Master