

April 10, 1996

VIA UPS OVERNIGHT

Jeraldine Cheatem  
2055 W. 120th Street  
Blue Island, IL 60406

Robin Sullivan  
Teamsters Local Union 743  
300 S. Ashland Avenue  
Chicago, IL 60607

Re: Election Office Case No. P-665-LU743-CHI

Gentlepersons:

A pre-election protest was filed pursuant to Article XIV, Section 2(b) of the *Rules for the IBT International Union Delegate and Officer Election ("Rules")* by Jeraldine Cheatem, a member of Local Union 743 and candidate for delegate on the Take Back Local 743 ("Take Back") slate. Ms. Cheatem alleges that Robin Sullivan, a Local Union 743 business agent and candidate for delegate on the Local 743 Movement Towards Members ("MTM") slate, violated the *Rules* by campaigning in a lobby of the University of Chicago Hospital ("UCH") on March 22, 1996, while on local union time. Ms. Cheatem did not witness the disputed events. She bases her protest on statements of another member of the Take Back slate, Kay Fox.

This protest was investigated by Regional Coordinator Bruce Boyens.

Ms. Fox asserts that at approximately 4:00 p.m. on March 22, 1996, she saw Ms. Sullivan in the Goldblatt lobby of UCH. According to Ms. Fox, Ms. Sullivan was wearing three campaign buttons, among them a button "prohibited" by prior order of the Election Officer.<sup>1</sup> She

Jeraldine Cheatem

April 10, 1996

Page 2

was talking with unidentified Local Union 743 members about the MTM slate. Ms. Fox states that Ms. Sullivan is not a business agent assigned to UCH and therefore had no purpose there other than to campaign.

Ms. Sullivan replies that she and Local Union 743 Business Agent Phillip John are both assigned to UCH and that she was on local union business when Ms. Fox saw her. According to Ms. Sullivan, a local union member named Ava Crowder had a complaint about a shift change but was dissatisfied with Mr. John's representation. Ms. Crowder mentioned this situation to another local union member, who declined to give her name to the Regional Coordinator. The member then called Ms. Sullivan about Ms. Crowder's complaint.

Ms. Crowder did not ask for a visit. The member claims that Ms. Sullivan came to UCH "on her own" to meet with the member, not Ms. Crowder, in the Goldblatt lobby.

Ms. Sullivan and the member state that they talked for 10 to 15 minutes about union business. Ms. Sullivan admits wearing one MTM slate campaign button, but denies wearing three buttons or engaging in any other campaigning. The member remembers that Ms. Sullivan wore one button and does not recall witnessing any other campaigning.

According to Ms. Fox, she went up to Ms. Sullivan after "seeing her campaign" and asked her why she was there. Ms. Fox admits she never overheard any campaigning. Both members agree that Ms. Sullivan said, "I'm doing my job," and both agree that Ms. Sullivan left shortly thereafter.

"Where the parties differ as to material facts, the Election Officer looks to the protester, who bears the initial burden of proof, to offer evidence substantiating his allegations." In Re: Chentnik, 95 - Elec. App. - 52 (KC) (January 10, 1996). In this matter, Ms. Fox was unable to identify any of the members to whom Ms. Sullivan spoke and she herself did not overhear any of the conversations. Thus, there is no evidence that Ms. Sullivan engaged in any campaigning in violation of the *Rules*.

Accordingly, the protest is DENIED.

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:

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<sup>1</sup>Lopez, P-513-LU743-CHI (March 20, 1996), aff'd, 96 - Elec. App. - 155 (KC) (April 13, 1996). The Election Officer did not prohibit the buttons at issue, but rather required the local union to be reimbursed for their cost.

Jeraldine Cheatem  
April 10, 1996  
Page 3

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885 Third Avenue, Suite 1000  
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Copies of the request for hearing must be served on the parties listed above as well as upon the Election Officer, 400 N. Capitol Street, Suite 855, Washington, DC 20001, Facsimile (202) 624-3525. A copy of the protest must accompany the request for a hearing.

Sincerely,

Barbara Zack Quindel  
Election Officer

cc: Kenneth Conboy, Election Appeals Master  
Bruce Boyens, Regional Coordinator