

OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: ELIGIBILITY OF)	Protest Decision 2011 ESD 91
ED BROGAN,)	Issued: January 28, 2011
)	OES Case No. E-025-011811-ME
Local Union 107.)	
_____)		

William Hamilton, member and president of Local Union 107, filed an eligibility protest pursuant to Article XIII, Section 2(b) of the Rules for the 2010-2011 IBT International Union Delegate and Officer Election (“*Rules*”). The protest alleged that Ed Brogan was ineligible to second the nomination of Mark Goetz as alternate delegate to the 2011 IBT Convention.

Election Supervisor representative Maria Ho investigated this protest.

Findings of Fact and Analysis

The *Rules* state that to be eligible to nominate or second the nomination of a candidate for delegate or alternate delegate, a member must be in good standing “with his/her dues paid through the month prior to the nominations meeting.” Article II, Section 5(h).

At Local Union 107’s nominations meeting held January 16, 2011, Ed Brogan seconded the nomination of Mark Goetz for alternate delegate. Brogan is currently on withdrawal status and has been since June 23, 2010. He acknowledged to our investigator that he took a voluntary withdrawal card at the time of his layoff and remains on withdrawal as he has not found work under the jurisdiction of the local union.

As Brogan was not in good standing with his dues paid through December 2010 at the time of the January 2011 nominations meeting, he was ineligible to second the nomination of Mark Goetz for alternate delegate. Accordingly, we GRANT the protest. Because Brogan was ineligible to second Goetz’s nomination, the nomination fails for lack of a second, and Goetz’s name will not appear on the ballot.

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, NY 10022
Fax: (212) 751-4864

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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, 1801 K Street, N.W., Suite 421 L, Washington, D.C. 20006, 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
2011 ESD 91

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