

IN RE:

THOMAS KRAJEWSKI

01 - Elec. App. – 021 (KC)

This matter is an appeal from the Election Administrator's decision 2001 EAD 101, issued January 24, 2001, in the Office of the Election Administrator's Case Nos. E011512ME, E011513ME. The appeal hearing was requested on January 29, 2001 by Thomas Krajewski, a member of Teamsters Local Union 623 in Philadelphia, Pa.

A hearing was held before me on January 31, 2001. The following persons were heard by way of teleconference: Jeffery J. Ellison, Esq. and Lisa Taylor for the Election Administrator's Office; Mr. Krajewski; Mr. James Merrit, Secretary-Treasurer of Local Union 623; and Peter V. Marks, Esq., Local Union Election Officer. No further submissions were received on this matter.

Having considered Mr. Krajewski's argument that the filing of the protest was untimely, I nevertheless reiterate, as stated in numerous previous decisions, that the Rules concerning the timely filing of protests as set forth in Article 13, Section 2 are not jurisdictional but prudential. Accordingly, I exercise discretion and excuse the minimal delay in the original filing of this protest. In furtherance of the goal of a fair and evenhanded application of these Rules to settled and necessary eligibility requirements, I affirm the decision of the Election Administrator in this expedited hearing that Thomas Krajewski is ineligible to run for delegate from Local Union 623.

____s/Kenneth Conboy_____
Kenneth Conboy
Election Appeals Master

Dated: February 2, 2001