

IN RE:

JAMES EARLS

01 - Elec. App. – 024 (KC)

This matter is an appeal from the Election Administrator’s decision 2001 EAD 98, issued January 24, 2001, in the Office of the Election Administrator’s Case No. E010414SO. The appeal hearing was requested on January 30, 2001 by James Earls, the protestor and a member of Teamsters Local Union 402 in Muscle Shoals, Alabama.

A hearing was held before me on February 1, 2001. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq. and Lois Tuttle for the Election Administrator’s Office; (“EA”); and Mr. Earls. Submissions were received from Mr. Earls by this office on February 1, 2001.

On November 17, 2000, Mr. Earls timely submitted to the EA a request for verification of eligibility to run for delegate from Local Union 402. The EA’s investigation established that Mr. Earls is ineligible under the twenty-four consecutive months of continuous good standing requirement of Article VI, Section 1(a)(1) of the Rules, since he had not paid dues for the months of October through December 1999, and was suspended in March 2000 for nonpayment of dues for those months, thereby causing a break in his continuous good standing.

During the appeal argument, as well as in his submissions, Mr. Earls admitted non payment of dues but asserted justification for non payment because of a purported statement made to him by Michael Kendrick, secretary treasurer of Local Union 402, that Mr. Earls “need not worry” and would be excused from paying his dues for these months. Mr. Earls says he

