

IN RE:

ROBERT GOINS

01 - Elec. App. – 025(KC)

This matter is an appeal from the Election Administrator's decision 2001 EAD 107, issued January 29, 2001, in the Office of the Election Administrator's Case No. E011211WE. This office received a request for an appeal hearing on January 31, 2001 from Robert Goins, the subject of the eligibility decision and a member of Teamsters Local Union 166 in Bloomington, California.

A hearing was held before me on February 2, 2001. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq. and Lisa Taylor for the Election Administrator's Office; Mr. Goins; Mr. Mike Bergen, the protestor and Secretary-Treasurer of Local Union 166; and Evelyn Essenwager, the Titan operator of Local Union 166. A submission was received by this office from Mr. Bergen on February 1, 2001.

Following the January 11, 2001 Local Union 166 nominations meeting, Mr. Bergen filed a protest<sup>1</sup> that claimed that Mr. Goins, a candidate for delegate, failed to pay his dues timely for the third quarter of 1999. According to Local Union records, Mr. Goins was assessed a \$3.00 late fee for July, 1999 and the Local's collection log shows payment by Mr. Goins of dues for the months in question was on August 24, 1999<sup>2</sup>. Mr. Goins disputes this

---

<sup>1</sup> In his January 31, 2001 appeal request, Mr. Goins claimed as a basis for his appeal that the protest filed by Mr. Bergen was untimely. The Election Administrator found the protest to be timely and no mention of this claim was made by Mr. Goins during the hearing and therefore it is deemed waived.

<sup>2</sup> Mr. Goins pays his dues on a quarterly basis, and to be timely a member must pay on or before the last day of the first month of the quarter, in this case on or before July 31, 1999.

claim, stating that his dues were timely paid in July, 1999, and provided as proof his bank statement that showed three checks in the amount of one hundred dollars (\$100.00) posted to his account on July 15, 1999. Upon further investigation the Local Union could find no receipt issued to Mr. Goins during the period July 1, 1999 to July 20, 1999.

Mr. Goins was asked during the hearing if he could produce a copy of the check on which he claims his Local was payee, constituting his timely dues payment. He stated that his bank told him that due to a recent bank merger it would take five days to obtain a copy of the checks. However, Ms. Taylor pointed out during the hearing that the Election Administrator had requested copies of checks from Mr. Goins on three occasions, and that on January 25, 2001 Mr. Goins did produce to the Election Administrator's office a copy of another check from the bank as proof of a different dues payment.

Since Mr. Goins failed to provide evidence of a timely dues payment for the time in question, I affirm the Election Administrator's decision that Robert Goins has a break in the twenty four consecutive months of continuous good standing required under Article VI, Section 1(a)(1) of the Rules, and is therefore ineligible to run for delegate from Local Union 166.

\_\_\_\_s/Kenneth Conboy\_\_\_\_\_  
Kenneth Conboy  
Election Appeals Master

Dated: February 7, 2001