

IN RE:

GARY L. GREGORY

01 - Elec. App. – 028 (KC)

This matter is an appeal from the Election Administrator's decision 2001 EAD 130, issued February 3, 2001. Gary L. Gregory, the protestor and a member of Teamsters Local Union 135 in Indianapolis, Indiana requested the appeal hearing on February 5, 2001.

A hearing was held before me on February 6, 2001. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq. for the Election Administrator's Office ("EA"); Mr. Gregory; Edward Fillenwarth, Esq. behalf of Local Union 135; and Mr. Mike Carver Secretary Treasurer of Local Union 135. No further submissions were received on this matter.

In his protest, Mr. Gregory alleged that Local Union 135 violated the Rules by accepting Larry Renn's withdrawal of his delegate nomination. Mr. Gregory claims Mr. Renn was coerced to withdraw by the opposition slate. Mr. Gregory also claims the Local Union violated the Rules by removing Mr. Renn's name from the election ballot and printing the ballots while Mr. Gregory's protest was pending.¹

After interviewing all parties, the Election Administrator found no evidence of coercion and concluded that Mr. Renn was within his right to withdraw his candidacy². During

¹ Mr. Fillenwarth, counsel for the Local Union, explained that once Mr. Renn had tendered his withdrawal, Mr. Fillenwarth spoke to Dennis Sarsany, Esq. of the Election Administrator's office for an interpretation of the Rules with regard to the ballot printing. Mr. Sarsany advised that Mr. Renn had the right to withdraw and that the Local could remove his name from the election ballot and begin the printing process.

² The requirements under Article II, Section 5(j) of the Rules that prohibits a candidate from revoking his acceptance do not apply in this case, since at the time of Mr. Renn's withdrawal the election ballots had not been printed. In addition, the Election Administrator found that Article VIII, Section 2(a), which prohibits a candidate from retracting his declaration to run on a particular slate, did not apply since Mr. Renn withdrew from running entirely.

his interview with the EA's investigator, Mr. Renn cited personal reasons for his withdrawal, specifically Mr. Renn's concern about obtaining the support of the local union business agent and member of the opposition slate, Ralph Brooks, in a dispute Mr. Renn was having with his employer. Mr. Renn told the EA that his withdrawal was not induced by threats or coercion.

During the hearing, Mr. Gregory submitted letters from James Hessein and Clarence Babson, two members of Local Union 135 who had conversations with Mr. Renn regarding his withdrawal. Mr. Hessein's statement corroborated Mr. Renn's stated reasons for withdrawing. Mr. Babson's statement alluded to Mr. Renn having a conversation with a member of the opposition slate and having an "upset and shaken voice" when reporting to Mr. Babson his decision to withdraw. This is insufficient to sustain the allegations of coercion.

The conclusion of the EA that no coercion of Mr. Renn occurred is unassailable on the record before me.

Accordingly, the decision of the EA is affirmed.

____s/Kenneth Conboy_____
Kenneth Conboy
Election Appeals Master

Dated: February 14, 2001