

IN RE:

JOHN ROGERS

01 - Elec. App. – 033 (KC)

This matter is an appeal from the Election Administrator's (the "EA") decision 2001 EAD 146, issued February 8, 2001. The hearing was requested by Anthony Buonpane, the protestor and Secretary-Treasurer of Teamsters Local Union 443 in New Haven, Connecticut.

A hearing was held before me on February 13, 2001. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq. and Lisa Sonia Taylor, Esq. for the Election Administrator's Office; Mr. Buonpane; Mr. David Lucas, Secretary-Treasurer of Teamsters Local Union 671 in East Hartford, Connecticut; and Mr. John Rogers, candidate for alternate delegate from Local Union 443. This office received an additional submission from Mr. Buonpane on February 13, 2001.

Mr. Buonpane claims that Mr. Rogers was ineligible to run for alternate delegate from Local Union 443 because he did not have twenty-four consecutive months of continuous good standing in the same local as required by the Rules. Mr. Rogers was originally a member of Local Union 671 until June 1999, when his former employer closed down the warehouse where he was working and he was forced to find another job under the jurisdiction of Local Union 443. Mr. Buonpane argues that since Mr. Rogers could have applied to other companies under Local Union 671 jurisdiction, his transfer to Local Union 443 jurisdiction was voluntary,

and therefore he does not have the twenty-four months residency requirements in Local Union 443<sup>1</sup>.

The EA denied this protest on the issue of timeliness. Mr. Buonpane filed this protest nine business days after the January 21, 2001 Local Union 443 nomination meeting, and indeed Mr. Buonpane concedes it was untimely. He claims, however, that he was unaware of the filing procedures, despite being involved in union elections for twenty years. His arguments on the merits are that Mr. Rogers could have found other work under the jurisdiction of Local Union 671, but Mr. Buonpane presents no evidence to support this claim.

Based on the EA's straightforward analysis, the IBT Constitution and relevant cases cited in the decision, I find that Mr. Rogers' transfer to Local Union 443 to be involuntary under the IBT Constitution, and that Mr. Rogers was fully qualified under the Rules to run for alternate delegate from Local Union 443. Accordingly, the EA's decision is affirmed.

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

Dated: February 21, 2001

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<sup>1</sup> Under Article II, Section 4(d) of the International Brotherhood of Teamsters (the "IBT") Constitution, a member who has involuntarily transferred during the eligibility period maintains continuous good standing as long as he maintains his eligibility in both locals. The EA found that Mr. Rogers did maintain his membership in good standing in both locals during the eligibility period, and Mr. Buonpane presents no evidence to contradict this finding.