

IN RE:

STEVEN C. SAUNDERS

01 - Elec. App. – 035 (KC)

This matter is an appeal from the Election Administrator's (the "EA") decision 2001 EAD 131, issued February 5, 2001. The appeal hearing was requested by Steven C. Saunders, a member of Teamsters Local Union 1199 in Cincinnati, Ohio, and a candidate for delegate in Local Union 1199.

A hearing was held before me on February 12, 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. Saunders; Mr. Randall Verst, the protestor and President of Local Union 1199; and Mr. Al Pennington, Secretary-Treasurer of Local Union 1199. No further submissions were received on this matter.

Mr. Saunders, former president of Local Union 1199, became unemployed in January 2000 and was subsequently unable to find work within the craft. Still unemployed six months later, the Local Union issued him a withdrawal card, as required by Article XVIII, Section 6(a)¹ of the International Brotherhood of Teamsters ("IBT") Constitution. Mr. Verst alleges that the issuance of the withdrawal card caused a break in Mr. Saunders' twenty-four consecutive months of continuous good standing, making him ineligible to run for delegate.

¹ Article XVIII, Section 6(a) of the IBT Constitution states:

"... When a member becomes unemployed in the jurisdiction of the Local Union, he shall be issued an honorable withdrawal card upon his request. If no request is made, an honorable withdrawal card must be issued six (6) months after the month in which the member first becomes unemployed, if he still unemployed at that time."

The EA's investigation found that the Local Union properly issued the withdrawal card to Mr. Saunders, even though he was actively seeking employment². Since Mr. Saunders admits he has not appealed the issuance of this card, the EA determined he has waived his right to appeal and has accepted issuance of the card. Therefore, the EA found the automatic withdrawal interrupted Mr. Saunders' continuous good standing and found him ineligible.

Mr. Saunders concedes that although he is ineligible at this time, he cannot be ruled permanently ineligible based upon the fact that he has not appealed the improper issuance of the withdrawal card. He claims that under Article XVIII, Section 6(e) of the IBT Constitution, he still has a right to appeal the improper issuance of the card to the Convention, and that he should be placed on the ballot in the interim pending any such appeal.

I find Mr. Saunders' interpretation of Article XVIII, Section 6(e) to be without merit. If we construe the section as Mr. Saunders suggests, it would mean that people declared ineligible by the EA would theoretically still have the right to attend the Convention as a delegate under the slim possibility that the Convention will overrule the EA's eligibility determinations. What Mr. Saunders is asking for is provisional eligibility based on a contingency that may never happen. I find this to be completely unworkable and untenable and cannot interpret the intent of this section in this way.

Accordingly, based on the documentary evidence presented, I affirm the EA's decision and find Steven Saunders ineligible.

_____/s/Kenneth Conboy_____
Kenneth Conboy
Election Appeals Master

Dated: February 22, 2001

² According to Mr. Saunders, many employers agreed to hire him, but ended up hiring someone less qualified. Mr. Saunders has four discrimination claims pending before the National Labor Relations Board.