

IN RE:

IN RE: DEARMON FRALEY

01 - Elec. App. – 040 (KC)

This matter is an appeal from the Election Administrator’s (the “EA”) decision 2001 EAD 167, issued February 15, 2001. The hearing was requested by DeArmon Fraley, the protestor and a member of Teamsters Local Union 667 in Memphis, TN.

A hearing was held before me on February 28, 2001. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq. for the Election Administrator’s Office; and Mr. Fraley. No additional submissions were received by this office.

The protestor alleged that Ramon Luna, Secretary-Treasurer of Local Union 667 misused his position as Secretary-Treasurer in checking the eligibility of candidates opposed to his slate. He further claims that Mr. Luna and Henry Perry, President of Local Union 667, when told by the EA’s office that it wouldn’t be “prudent” for them as candidates to file an eligibility protest against him, drafted a protest against Mr. Fraley for the signature of another member of Local Union 667, Jonas Brown. Mr. Fraley argues that the information contained in the protest was personal and confidential, and since this information could not have been obtained by Mr. Brown without the behind the scenes assistance of Mr. Luna and Mr. Perry, Mr. Fraley’s privacy rights were violated.

Previous case law provides that the Rules do not prohibit a secretary-treasurer from conducting eligibility checks on candidates, as long as such checks do not have a clear partisan policy (See Kleckner, 2001 EAD 110 (January 30, 2001)). The EA’s investigation found no evidence of an improper motive behind the eligibility checks performed by Mr. Luna. Even

assuming Mr. Luna and Mr. Perry assisted in the filing of Mr. Brown's protest, the EA found no violation of the Rules.

After careful consideration of the argument made at the hearing, I find that since the factual findings of the EA are to be given substantial deference, the decision of the EA in this matter is affirmed.

___s/Kenneth Conboy_____

Kenneth Conboy
Election Appeals Master

Dated: March 7, 2001