

IN RE:

PATRICIA AKSAMIT

01 - Elec. App. – 047(KC)

This matter is an appeal from the Election Administrator's (the "EA") decision 2001 EAD 213, issued March 5, 2001. The hearing was requested by Patricia Aksamit, a member of Teamsters Local Union 104 in Phoenix, Arizona.

A hearing was held before me on March 14, 2001. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq. for the Election Administrator's Office; Ms. Aksamit; Joseph Kaplan, Esq., on behalf of Local Union 104; Ms. Vicki Armstrong, office manager at Local Union 104; and Mr. Andy Marshall, Secretary Treasurer at Local Union 104. No additional submissions were received by this office.

Ms. Aksamit claimed that she was unaware of the Local Union 104 delegate election because, she asserts, no notice of the delegate election was posted at her worksite. She also claims that since she had not been provided with a copy of the Rules, she was unaware of the notice requirements and the time frame for filing a protest under the Rules. In her appeal request, Ms. Aksamit states she first became aware of the election after the Local Union posted the results of the nomination meeting. She insists that had she been aware of the election, she would have organized a group to run.<sup>1</sup>

The EA determined Ms. Aksamit's protest to be untimely filed. The nomination meeting was held on January 13, 2001 and the protest was filed over thirty days later on

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<sup>1</sup> The number of nominations received for the positions of delegate and alternate delegate from Local Union 104 did not exceed the number to be elected. Since there was no contest, and therefore no need to run a local election, those nominated were declared elected at the close of the nomination meeting. (See Article II, Section 8 of the Rules).

February 15, 2001.<sup>2</sup> On the merits, the EA concluded that Local Union 104 had complied with all aspects of the notice, mailing and posting requirements and therefore found no Rules violation.

The factual findings of the EA are to be given substantial deference, and the appellant has not shown any reason why they should be disturbed in this matter. Accordingly, I affirm the EA's decision in denying the protest.

s/Kenneth Conboy  
Kenneth Conboy  
Election Appeals Master

Dated: March 16, 2001

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<sup>2</sup> Although not sure of the exact date, Ms. Aksamit claims that as soon as she became aware of the alleged Rules violation, Ms. Aksamit brought her allegations first to the United States Department of Labor, who, on February 15, 2001, referred her to the EA for investigation.