

IN RE:

VINCENT MCGEE

01 - Elec. App. – 064 (KC)

This matter is an appeal from the Election Administrator’s (the “EA”) decision 2001 EAD 305, issued April 16, 2001. The hearing was requested by Vincent McGee, the protestor and a member of Teamsters Local Union 170 in Worcester, Massachusetts.

A hearing was held before me on April 24, 2001. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq. for the Election Administrator’s Office and Mr. McGee. No additional submissions were received by this office.

Mr. McGee’s protest alleged that Vanessa Williamson and Jackie Rucci, Recording Secretary of Local Union 170, were not eligible to run as alternate delegate candidates from Local Union 170. However, Mr. McGee did not file this protest until his return from vacation on February 20, 2001, twenty-three days after the January 28, 2001 Local Union 170 nomination meeting¹.

Mr. McGee claims he was unaware of the above named candidates’ nominations until the day he filed his protest. He argues that the Rules do allow “quite a bit of latitude in this area, to address the fairness issue.” (See, Appeal Request Letter of Vincent McGee, dated April

¹ The number of nominations received for the positions of delegate and alternate delegate for Local Union 170 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 regarding Uncontested Elections.

17, 2001). However, although the issue of timeliness is prudential and not jurisdictional, issues regarding candidates' eligibility must be determined quickly.

At the appeal hearing, Mr. McGee conceded that the protest was clearly untimely. Furthermore, he presented no evidence that he was unaware of the nomination meeting, or that Local Union 170 had not complied with all notice, mailing and posting requirements under the Rules. Finally, Mr. McGee offered no proof as to the candidates' ineligibility to run in the delegate election.

Accordingly, I affirm the EA's decision in this matter.

____s/Kenneth Conboy _____
Kenneth Conboy
Election Appeals Master

Dated: May 7, 2001