

ELECTION APPEALS MASTER

IN RE:

ELIGIBILITY OF JOHN GEROW, PATRICIA WARD JENKINS, THOMAS COLEMAN, MARIA PEREZ, PATRICK GUASHINO, KEVIN THERIEN, GLORIA MORALES, AMY LEWIS, GLENDA REYES, ANTONIO SILVA, LLOYD BENTHALL, JOSE VELASQUEZ, CELESTE MAGANA, NOELBA CASTANO, SAM VINSON, MARK FEINBERG AND RON KING, LOCAL UNION 97,

Protestor.

06 Elec. App. 016 (KC)

ORDER

This matter is an appeal from the Election Supervisor's decision 2006 ESD 121 issued March 2, 2006.

A hearing was held before me on March 6, 2006. The following persons were heard by way of teleconference: Jeffrey J. Ellison, Esq. and Steven Newmark, Esq. on behalf of the Election Supervisor and John Gerow, President of Teamsters Local 97.

The Election Supervisor noted in his decision, and reiterated during the Hearing:

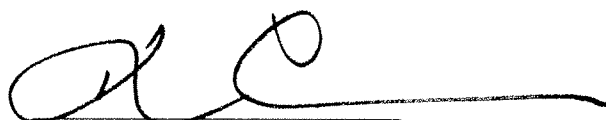
Patricia Ward-Jenkins was found ineligible to run for delegate or alternate delegate because she failed to pay her dues timely in each of the 24 months of the eligibility period. No dues were paid or posted to her TITAN record in October or November 2004. A cash payment of three months' dues was made in December 2004, covering October, November and December. Our investigation showed that Ward-Jenkins was on active military duty during the period in question and had her daughter pay her dues. As dues were not timely paid in October and November, Ward-Jenkins suffered a break in continuous good standing as a result.

We are sympathetic concerning the myriad disruptions of which persons entering active military service are subjected; unfortunately, neither the *Rules* nor the IBT constitution includes an exception from the requirement of timely dues payment for members on active military service.

I share the dismay of the Election Supervisor that an IBT member, on active military service of the United States in time of war, whose continuous dues payment was inadvertently interrupted, is thereby precluded from seeking election to Union office.

The disqualification decision of the Election Supervisor is reluctantly and regrettably affirmed.

SO ORDERED:

A handwritten signature in black ink, consisting of a stylized 'K' followed by a cursive 'C' and a long horizontal line extending to the right.

Kenneth Conboy
Election Appeals Master

Dated: March 7, 2006