

OFFICE OF THE ELECTION SUPERVISOR
for the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

IN RE: BARRY STROHL,)	Protest Decision 2006 ESD 107
)	Issued: March 2, 2006
Protestor.)	OES Case No. P-06-166-022006-AT
_____)	

Barry Strohl, a member of Local Union 28, filed a pre-election protest pursuant to Article XIII, Section 2(b) of the Rules for the 2005-2006 IBT International Union Delegate and Officer Election (“*Rules*”). He asserted that the ballot return envelopes (BREs) for Local Union 28 contained the wrong address. The address on the BREs was for Greer, NC when it should have been Greer, SC. The zip code on the envelope was correct.

Election Supervisor representative J. Griffin Morgan investigated this protest.

Findings of Fact and Analysis

The art work for the BREs was prepared by the United States Postal Service and was proofed by an independent contractor, Election Services Corporation, hired by Local Union 28 to conduct its delegate election. Neither the USPS nor the contractor noted the error.

The USPS has promised that all ballot return envelopes will be delivered to the proper Post Office box in Greer, SC, despite the error. In a letter to Election Services Corp., the Post Office stated:

This letter is to apologize for the typographical error in the Business Reply Mail artwork the USPS created for:

LOCAL 28
C/O ELECTION SERVICES CORPORATION
PO BOX 2847
GREER SC 29652-9976

The artwork provided incorrectly read NC, however, it has been verified that the zip+4 and barcode did read to direct the mailpiece to Greer SC – specifically PO Box 2847 Business Reply Mail.

Business Reply Mail is processed through high speed USPS automation equipment reading the barcode. All pieces will be directed to Greer SC from the zip+4 and barcode information.

I spoke to the Clerk Supervisor at Greer SC. She is instructing clerks to deliver all BRM addressed to this box – regardless of the state distinction. They will be on alert to look for these mailpieces.

Again, I apologize for this error. Please be assured that USPS employees will endeavor to deliver all Business Reply Mail for this PO Box in Greer SC.

Strohl, 2006 ESD 107

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Based on the assurance from the USPS that ballots will be properly delivered despite the error, we consider this protest RESOLVED.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within two (2) working days of receipt of this decision. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Supervisor in any such appeal. Requests for a hearing shall be made in writing, shall specify the basis for the appeal and shall be served upon:

Kenneth Conboy
Election Appeals Master
Latham & Watkins
885 Third Avenue, Suite 1000
New York, New York 10022
Fax: (212) 751-4864

Copies of the request for hearing must be served upon the parties, as well as upon the Election Supervisor for the International Brotherhood of Teamsters, 1725 K Street, N.W., Suite 1400, Washington, D.C. 20007-5135, all within the time prescribed above. A copy of the protest must accompany the request for hearing.

Richard W. Mark
Election Supervisor

cc: Kenneth Conboy
2006 ESD 107

March 2, 2006

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