



OFFICE OF THE ELECTION OFFICER  
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
25 Louisiana Avenue, NW  
Washington, DC 20001

Michael H. Holland  
Election Officer

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December 26, 1991

**VIA UPS OVERNIGHT**

Robert L. Hyden  
5030 N. St. Rd. #421  
Lebanon, IN 46052

William D. Joyce  
Secretary-Treasurer  
IBT Local Union 710  
4217 S. Halsted St.  
Chicago, IL 60609

John Roach  
Center Manager  
United Parcel Service  
117 N. 36th St.  
Lafayette, IN 47905

Gary Langston  
Div. Feeder Manager  
United Parcel Service  
8350 W. 81st. St.  
Indianapolis, IN 46268

**Re: Election Office Case No. P-1114-LU710-CHI**

Gentlemen:

A protest was filed with the Election Office pursuant to Article XI of the Rules for the IBT International Union Delegate and Officer Election, revised August 1, 1990 ("Election Rules"). In his protest Robert L. Hyden alleges that the Election Rules were violated by a United Parcel Service Supervisor ("UPS") as a result of a negative statement concerning candidate Ron Carey. This protest was investigated by Adjunct Regional Coordinator Deborah Schaaf.

Robert Hyden is employed by UPS at its Lafayette, Indiana facility and is a member of IBT Local Union 710. On the evening of November 21, 1991 Hyden and four other IBT members employed by UPS were discussing the current election for IBT International Officers. During that conversation Mark Timmons, a UPS supervisor who had not otherwise participated in the conversation, made a comment concerning candidate Ron Carey's alleged ties to the Genovese crime family.

None of the IBT members who heard Timmons' comment were influenced by it. Similarly, none of the members was intimidated or changed their votes as a result. Timmons' statement was nothing more than a gratuitous statement of personal opinion neither authorized or ratified by UPS.

Timmons' comment is not violative of the Election Rules because it did not interfere with, or threaten retaliation against, the free expression of political preferences

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by IBT members. See, Article VIII, Section 10(a). Moreover, Timmons' comment was not "something of value" since it did not influence or affect the votes cast by any of the members hearing the comment or the outcome of the International officer election; Mr. Carey was the winning General President candidate. See, Article X, Section 1(b).

For the forgoing reasons, the instant protest is DENIED.

If any interested party is not satisfied with this determination, they may request a hearing before the Independent Administrator within twenty-four (24) hours of their receipt of this letter. The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Officer in any such appeal. Requests for a hearing shall be made in writing, and shall be served on Independent Administrator Frederick B. Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, New Jersey 07102-5311, Facsimile (201) 622-6693. Copies of the request for hearing must be served on the parties listed above, as well as upon the Election Officer, IBT, 25 Louisiana Avenue, N.W., Washington, D.C. 20001, Facsimile (202) 624-8792. A copy of the protest must accompany the request for a hearing.

Very truly yours,



Michael H. Holland

MHH/mjv

cc: Frederick B. Lacey, Independent Administrator

Nicholas N. Price, Esq.  
Schnader, Harrison, Segal & Lewis