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Michael H Holland
Election Officer

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January 24, 1991

VIA UPS OVERNIGHT

Luther Watson
President
IBT Local Union 480
643 Spence Lane
Nashville, TN 37207

Re: Election Office Case No. P-319-LU480-SEC

Gentlemen

An election protest was filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"). In his protest, the Complainant, Luther Watson, alleges that an election is being conducted with his name not on the ballot even though Judge Lacey, the Independent Administrator, ruled on January 15, 1991 that he was eligible to be a candidate for delegate.

The history of protests and proceedings related and antecedent to the instant protest are as follows. David J Bowden filed a pre-election protest challenging the eligibility of Luther Watson to be a delegate (Election Office Case No. E-089-LU480-SEC). The basis for this protest was that Mr Watson had received a lump sum pension benefit from an IBT related pension fund and was thus ineligible pursuant to Article XVIII, § 6 (c) of the IBT Constitution to be a delegate to the 1991 IBT International Convention.

On December 21, 1990, Michael Holland sustained the protest, and ruled that Luther Watson was ineligible as a result of having received such pension benefit. Mr. Watson filed a timely appeal of such decision to the Independent Administrator. On January 3, 1991, Frederick B Lacey, the Independent Administrator affirmed the decision of the Election Officer (Election Office Case No. 90-ElecApp-28). Upon motion for reconsideration, Independent Administrator Lacey on January 15, 1991 reversed the earlier decision and held that Watson was eligible to run as a delegate. Said decision was based on principles announced on the same date in the case of Lonnie Bedell, Complainant v G Sonny Musso et al., Respondents, 90-ElecApp-37, which

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found that receipt of pension benefits alone cannot preclude an IBT member from seeking election to the position of delegate or alternate delegate to the 1991 IBT International Convention.

Based on the above, and in accordance with Judge Lacey's reconsidered decision, the Election Office finds that Mr. Watson is not rendered ineligible to be a candidate for delegate to the 1991 IBT International Convention because he has received pension benefits. Mr. Watson further meets the other eligibility prerequisites set forth in Article VI, § 1 (a) of the *Rules*. Therefore, Mr. Watson is eligible to run for delegate position he seeks. Since Mr. Watson's name did not appear on the ballot for Local 480's delegate and alternate delegate election, such election shall be rerun.¹

Accordingly, this protest is GRANTED. The Election Officer will conduct this election. *Rules*, Article XI, § 3. The Regional Coordinator will notify the Local Union and all candidates heretofore nominated, or representatives of their slates, of the details of the rerun election.

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/mca

cc Frederick B. Lacey, Independent Administrator
Donald H. Williams, Regional Coordinator

¹There are no outstanding protests with respect to the nomination process or the candidates nominated at Local 480's nomination meeting, other than the protest resolved in this decision. Therefore, there is no basis for rerunning the nominations and the nominations process will not be rerun.