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January 28, 1991

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Dennis K Jones
6716 Poppy Drive
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Billy Patrick
President
IBT Local Union 878
6000 Patterson
Little Rock, AR 72209

Re: Election Office Case No. P-336-LU878-SOU

Gentlemen

A pre-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") Complainant Dennis Keith Jones is a member of Local Union 878 and a candidate for delegate on the "Working Teamsters With Pride" slate. His protest alleged that he was informed by Larry Daves, Regional Coordinator-SOU that the ballots would be mailed on or about January 15, 1991, and, in reliance thereon, mailed his campaign literature to arrive at members' homes a couple of days before the ballot. After the mailing, it is alleged that he was informed the ballots would not go out until February 2, 1991. Complainant maintains he is harmed because his opponent can do a mailing to coincide with the mailing of the ballots, while he can not afford another mailing.

The Local Union Election Plan Summary dated December 21, 1990 and posted on the Union bulletin boards stated that "Ballots will be mailed on or about January 15, 1991." All conversations had between Mr Daves and members of the "Working Teamsters With Pride" slate reiterated the ballots would be mailed "on or about" January 15, 1991. The Plan Summary also stated that ballots must be returned and received by February 8, 1991. The ballots were in fact mailed on January 20 and January 21, 1991¹

¹The undersigned interviewed Mr Daves with respect to the Complainant's allegation that Mr Daves had indicated that ballots would be mailed on February 2, 1991. Mr Daves indicates that he was asked by the "Working" slate what the last day was for sending out duplicate or undelivered ballots. Given the ballot count day of February 8, 1991, Mr Daves replied that February 2, 1991 was the last day -- in the undeliverable/remailing situation -- that a member not receiving a ballot from the January