



OFFICE OF THE ELECTION OFFICER  
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
25 Louisiana Avenue, NW  
Washington, DC 20001  
(202) 624 8778  
1 800 828 6496  
Fax (202) 624 8792

Michael H Holland  
Election Officer

Chicago Office  
% Cornfield and Feldman  
343 South Dearborn Street  
Chicago, IL 60604  
(312) 922 2800

March 8, 1991

**VIA UPS OVERNIGHT**

Jack Barmon  
11760 S W 83rd Court  
Miami, Florida 33156

United Parcel Service  
Attn Dave Mikkelson  
Feeder Supervisor  
Ft Myers Center  
Ft Myers, Florida 33936

Tony Cannestro  
President  
IBT Local Union 769  
8350 N W 7th Avenue  
Miami, Florida 33150

Robert R Cummings  
President  
IBT Local Union 79  
P O Box 76097  
Tampa, Florida 33675

**Re. Election Office Case No. P-619-LU769-SEC**

Gentlemen

A pre-election protest was filed pursuant to Article XI, Section 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"), by Jack Barmon, a member of Local 769, on behalf of Dennis Hatler, a member of Local 79 and an employee of United Parcel Service ("UPS"), an employer of members of Local 79. The protest alleges that Mr. Hatler's employer threatened him with termination based upon Mr. Hatler's campaign activities.

Complainant contends that Dennis Hatler received a note from his supervisor, which was placed in his personnel file, that stated in pertinent part as follows: "If I ever find another TDU paper in or around UPS property I will fire you." The Election Officer has contacted the Mr. Hatler's employer, UPS, concerning this protest. The employer has agreed to remove the note from Mr. Hatler's personnel file. The removal of the note is consistent with the position of the Election Officer concerning rights of members to campaign on employer premises pursuant to Article VIII, Section 10 of the *Rules*.

Based on the foregoing agreement, the Election Officer has determined that this protest is **RESOLVED**.

Jack Barmon  
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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/ads

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