

OFFICE OF THE ELECTION OFFICER
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Michael H. Holland
Election Officer

November 7, 1991

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VIA UPS OVERNIGHT

Gerald Moerler
13104 Glen Ct. #40
Chino Hills, CA 91709

Everett J. Roberts
Trustee
IBT Local Union 63
1616 W. Ninth St.
Room 205
Los Angeles, CA 90015

Vons Grocery Co.
4344 Shirley Ave.
El Monte, CA 91731

Re: Election Office Case No. P-990-LU63-CLA
P-999-LU63-CLA
P-1015-LU63-CLA ✓

Gentlemen:

On September 25, 1991, the Election Officer issued his decision in Election Office Case No. P-882-LU63-CLA. Vons Companies, Inc., by its counsel, appealed the decision of the Election Officer in Election Office Case No. P-882-LU63-CLA to the Independent Administrator.

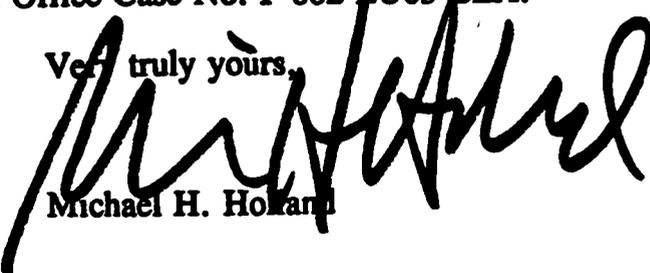
By a bench decision issued on November 5, 1991, the Independent Administrator affirmed the Election Officer's decision and remedy in Election Office Case No. P-882-LU63-CLA. In so doing, the Independent Administrator decided and provided an appropriate remedy for Election Office Case Nos. P-990-LU63-CLA, P-999-LU63-CLA and P-1015-LU63-CLA by requiring literature distributing at Vons El Monte facility as well as its Santa Fe Springs facility. Accordingly, the Election Officer has determined that there is no need to further investigate these latter three protests, for any separate decision to be issued in these matters, or for a remedy to be imposed by the Election Officer. The Election Officer considers the issues raised in these cases fully decided by the Independent Administrator's November 5, 1991 bench decision and will cease processing these protests at this time.

The Election Officer will continue to investigate the claims raised by Mr. Moerler in Election Office Case No. P-882-LU63-CLA, i.e., that Vons Companies, Inc. should be required to reimburse Mr. Moerler for the costs expended by him in printing the campaign literature to be distributed to Vons employees at the Santa Fe Springs facility.

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After such investigation is completed, the Election Officer will issue a compliance decision regarding these matters in Election Office Case No. P-882-LU63-CLA.

Very truly yours,


Michael H. Holland

MHH/mjv

cc: Frederick B. Lacey, Independent Administrator

Geraldine L. Leshin, Regional Coordinator

Susan Jennik, Esq.
Association for Union Democracy
500 State St.
Brooklyn, NY 11217

The Vons Companies, Inc.
Attention: Ted Harrison, Legal Department
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Walter Shea
c/o Robert Baptiste, Esquire
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Washington, D.C. 20006

IN RE:
GERALD MOERLER
and
VONS COMPANIES, INC.
and
IBT LOCAL UNION NO. 63

91 - Elec. App. - 230 (SA)

DECISION OF THE
INDEPENDENT ADMINISTRATOR

This matter arises as an appeal from the Election Officer's decision in Case Nos. P-990-LU63-CLA, P-991-LU63-CLA, P-1015-LU63-CLA. A hearing was held before me by way of teleconference at which the following persons were heard: John J. Sullivan and Barbara Hillman for the Election Officer; Geraldine Leshin, a Regional Coordinator; Maurice Harrison for Vons Companies, Inc. ("Vons"); and Gerald Moerler, the Complainant. In addition, the Election Officer provided a written Summary in accordance with Article XI, Section 1.a.(7) of the Rules For The IBT International Union Delegate And Officer Election (the "Election Rules").

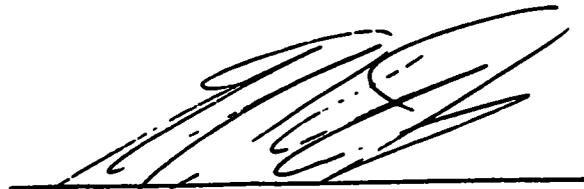
The three separate protests that are the subject matter of the instant appeal all concern the untimely posting, obstruction or removal of Mr. Moerler's campaign literature from the employee bulletin board of the Vons' facility in El Monte, California. At the time the Election Officer was processing these protests, Vons

had appealed the Election Officer's decision in Case No. P-882-LU63-CLA ("P-882") which involved the same issue, although in that matter the bulletin board was located at Vons' Santa Fe Springs facility. Finding a violation of the Election Rules, the Election Officer ordered Vons to distribute, on a one-time basis, Mr. Moerler's campaign material in the pay envelopes of the employees at the Santa Fe Springs facility.

At argument on Vons' appeal from the Election Officer's decision in P-882, the three protests that are the subject of this appeal were consolidated and included in the decision that I issued from the "bench." All of the parties, including Mr. Moerler, agreed that consolidation was proper given the identical issues presented. A written decision issued shortly thereafter. In Re: Moerler, 91 - Elec. App. - 222 (SA) (November 12, 1991). Given the consolidation of the three protests, I expanded the Election Officer's remedy and ordered Vons to distribute Mr. Moerler's campaign material to the employees at the El Monte facility on the same terms and conditions as the distribution ordered at the Santa Fe Springs facility.

Thus, all of the issues Mr. Moerler raises on this appeal have been previously adjudicated and remedied. Moreover, the Election Officer has ordered additional remedies, requiring Vons to pay for 400 copies of Mr. Moerler's campaign literature that Vons had allegedly misplaced. Accordingly, no further findings or orders are necessary.

For the foregoing reasons, the Election Officer's disposition of this protest is affirmed.



Frederick B. Lacey
Independent Administrator
By: Stuart Alderoty, Designee

Dated: November 21, 1991