



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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Michael H. Holland
Election Officer

February 4, 1991

Chicago Office
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843 South Dearborn Street
Chicago, IL 60604
(312) 922-2800

VIA UPS OVERNIGHT

David Dunning
7788 Trinklein Road
Saginaw, Michigan 48603

James Bohlen
Secretary-Treasurer
IBT Local Union 486
1245 East Genesee
Saginaw, Michigan 48607

Re: Election Officer Case No. Post11-LU486-MGN

Gentlemen:

This matter was received and docketed as a post-election protest. In his filing with the Election Officer, Mr. David Dunning, a member of Local Union 486 and a candidate for delegate, requested a recount of ballots in the Local Union 486 delegate election for the candidates who were separated by four votes out of approximately 1,000 votes cast.

The delegate election was conducted by mail ballot in Local Union 486, with the ballots being counted on Friday, January 25, 1991. The margin of difference between the lowest ranking tentatively successful delegate candidate was four votes from the highest ranking vote getting tentatively unsuccessful delegate candidate. The matter is not filed against any person or organization, but is merely a request for a recount of the ballots. Mr. Dunning, in his filing, does not seek to review again determinations made by the Election Officer on void ballots, voter eligibility determinations based upon challenges made at the time of the vote count, or concerning any conduct of any candidate or candidate observers. He simply seeks to recount the ballots to determine whether or not any "human error" may occurred.

Given the closeness of the vote, and after consultation with the Regional Coordinator who directed the counting of the ballots, the request under these circumstances is not unreasonable, and shall be granted with respect to the two above-described delegate candidates.

The Election Office is informed that Mr. Dunning is unavailable during the week of February 4, 1991 to observe such recount. Accordingly, to accommodate the scheduling of the Election Officer staff, which will conduct the recount, the recount shall

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take place on Friday, February 15, 1991, or at such other date as it is feasible for the Election Office Regional Coordinator and the other Election Officer representatives needed to conduct the recount, to perform such recount.

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. 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.

Very truly yours,



Michael H Holland

MHH/kpm

cc Frederick B. Lacey, Investigation Officer, IBT
James De Haan, Election Office Regional Coordinator