

**U.S. DEPARTMENT OF LABOR
OFFICE OF LABOR-MANAGEMENT STANDARDS
WASHINGTON, DC 20210**

DETERMINATION

Determination of a Complaint Filed under Title IV
of the Labor-Management Reporting and Disclosure Act of 1959

On June 15, 2009, the Secretary of Labor received a complaint alleging violations of Section 401 of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), in the regularly scheduled election of officers conducted on March 12, 2009, by International Longshoremen's Association (ILA) Local 2038 in Portage, Indiana.

Pursuant to Sections 402 and 601 of the LMRDA, the Department of Labor conducted an investigation. The investigation disclosed that Local 2038 failed to permit all members in good standing the right to vote; failed to provide proper notice of nominations to all members; failed to provide members with a reasonable opportunity to vote; and, failed to mail an election notice to the home address of each member.

Apprised of these findings, ILA Local 2038 agreed to conduct new nominations and a new election of officers under the supervision of the Secretary of Labor, in accordance with Title IV of the LMRDA. The agreed upon remedial election was concluded on December 1, 2009. It is, therefore,

DETERMINED, that there is probable cause to believe that violations of Title IV of the LMRDA occurred which may have affected the outcome of the election conducted by International Longshoremen's Association (ILA) Local 2038 on March 12, 2009, but that these violations have been remedied by the new election, conducted in accordance with Title IV of the LMRDA, under the supervision of the Secretary of Labor, on December 1, 2009.

Therefore, civil action under Section 402(b) of the LMRDA to set aside the election conducted on March 12, 2009 is not warranted.

Signed this 7th day of January, 2010.

Cynthia M. Downing
Chief, Division of Enforcement

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210



January 8, 2010

Dear |||||:

The enclosed Determination represents the Department's final disposition of the matter mentioned therein.

Sincerely,

Cynthia M. Downing
Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210



January 8, 2010

Mr. Kensey Alsman, President
International Longshoremen's Association (ILA) Local 2038
6031 Melton Road
Portage, Indiana 46368

Dear Mr. Alsman:

The enclosed Determination represents the Department's final disposition of the matter mentioned therein.

Sincerely,

Cynthia M. Downing
Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210



January 8, 2010

Mr. Richard P. Hughes, Jr., President
International Longshoremen's Association
17 Battery Place, Suite 930
New York, New York 10004

Dear Mr. Hughes:

The enclosed Determination represents the Department's final disposition of the matter mentioned therein.

Sincerely,

Cynthia M. Downing
Chief, Division of Enforcement

Enclosure