

**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 August 9, 2010, 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 April 15, 2010, by American Postal Workers Local Union 83 in New Orleans, Louisiana.

Pursuant to Sections 402 and 601 of the LMRDA, the Department of Labor conducted an investigation. The investigation disclosed that votes were not correctly tallied for the positions of clerk craft delegates which affected the outcome.

Apprised of this finding, American Postal Workers Local Union 83 agreed to abide by the results of the OLMS recount for the fourth clerk craft delegate and alternate clerk craft delegate. The local announced at its membership meeting held on October 17, 2010, that Kathleen Lucien was an elected clerk craft delegate and that Candy Smith was an alternate clerk craft delegate. It is, therefore,

DETERMINED, that there is probable cause to believe that a violation of Title IV of the LMRDA occurred which may have affected the outcome of the election conducted by American Postal Workers Local Union 83 on April 15, 2010, but that this violation has been remedied by the local abiding by the results of the OLMS recount as reflected by the announcement made at the October 17, 2010 membership meeting.

Therefore, civil action under Section 402(b) of the LMRDA to set aside the election conducted on April 15, 2010 is not warranted.

Signed this 11th day of January, 2011.

Patricia Fox
Chief, Division of Enforcement

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210
(202) 693-0143 Fax: (202) 693-1343



January 11, 2011

Dear |||||:

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

Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210
(202) 693-0143 Fax: (202) 693-1343



January 11, 2011

Mr. Theodore Patterson, President
American Postal Workers Local Union 83
4074 Old Gentilly Road
New Orleans, Louisiana 70126

Dear Mr. Patterson:

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

Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210
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January 11, 2011

Mr. Cliff Guffey, President
APWU
1300 L Street, NW
Washington, DC 20005

Dear Mr. Guffey:

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

Sincerely,

Patricia Fox
Chief, Division of Enforcement

Enclosure