



January 6, 2010

[REDACTED]

[REDACTED]

Dear Messrs. [REDACTED] and [REDACTED]:

This Statement of Reasons is in response to the complaints that you filed with the United States Department of Labor ("Department") on September 4 and 8, 2009, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 ("the Act"), as amended 29 U.S.C. §§ 481-484, occurred in connection with the election for the Vice Chairman of the Phoenix Domicile ("Phoenix VC") of the US Airline Pilots Association (the "Union") completed on May 28, 2009.

The Department conducted an investigation of your allegation. As a result of the investigation, the Department has concluded that no violation occurred.

You both allege that the Union failed to provide the insurgent candidate ([REDACTED]) with the voter eligibility list that it had previously provided to the incumbent candidate in the course of her duties as interim Phoenix VC. Neither of you contends that the incumbent candidate used the list for campaign purposes. Title IV of the LMRDA does not give a candidate the right to copies of a union's membership lists or to personal use of the lists to mail literature. A candidate does have the right under 29 U.S.C. § 481(c) to inspect a list of the names and addresses of members 30 days prior to an election, and to have his or her campaign literature distributed by the labor organization at the candidate's expense. *See* 29 C.F.R. §§ 452.67-.72. In addition, a labor organization may not discriminate in favor of or against a candidate in the use of membership lists.

The Department's investigation revealed that the Union's election rules complied with the Act's list inspection requirement by providing that each candidate could inspect the membership list once within 30 days prior to the election but that no candidate was entitled to receive a copy of the list. Moreover, the investigation revealed that the

Union provided all candidates the option to mail and email campaign literature to the membership and that Wagner availed himself of this option. Further, the investigation found no evidence that the incumbent candidate used any eligibility list that she had received in her official capacity as interim Phoenix VC for campaign purposes.

For the reasons set forth above, the Department has concluded that there was no violation of Title IV of the LMRDA, and I have closed the file in this matter.

Sincerely,

Patricia Fox
Acting Chief, Division of Enforcement

cc: Michael J. Cleary
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, Associate Solicitor
Civil Rights and Labor-Management