



September 4, 2014



Dear [REDACTED]:

This Statement of Reasons is in response to your June 18, 2014 complaint filed with the U.S. Department of Labor alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) occurred in connection with the election of officers conducted by the Teamsters Local Union 50 on October 5, 2012.

On June 24, 2014, you requested to withdraw your complaint. The Department, however, does not permit members to withdraw complaints filed under Section 402 of the LMRDA. As a result of the Department's investigation, we concluded that no violation occurred. Following is an explanation of this conclusion.

You alleged that the International Brotherhood of Teamsters violated your right to a fair election under section 402(c) of the LMRDA when it upheld a decision of the Teamsters Joint Council 25 ordering a rerun of Local 50's October 5, 2012 mail ballot election. The Department of Labor investigation revealed that the joint council's decision, reached after a hearing, was based on a local member's post-election protest, alleging that the local had violated its own procedures by failing to rent a separate post office box for ballot packets returned as undeliverable. As a result, ballot packets returned as undeliverable were commingled with the Local's general mail. This factual assertion was undisputed. Nonetheless, you alleged that the underlying protest was procedurally improper, and that the complainant did not meet his burden of proof under the union's procedures.

The requirement set out in section 402(a) of the LMRDA that a member exhaust internal union remedies before complaining to the Secretary of a violation of the LMRDA was included in the LMRDA to give unions a chance to correct election problems and deficiencies without government intervention, thereby preserving a maximum amount of independence and encouraging responsible self-government. In furtherance of this legislative objective, the Secretary accords a degree of deference to union decisions on internal union election protests providing for the conduct of a new election: the

Secretary will not seek to reverse a union's remedial decision to hold a new election, even if the evidence could be viewed as insufficient to support a decision by the Secretary to sue to overturn the original election, unless it is apparent that the decision was based on the application of a rule that violates the LMRDA; the decision was made in bad faith, such as to afford losing candidates a second opportunity to win; or the decision is otherwise contrary to the principles of union democracy embodied in the statute and holding a new election is unreasonable.

None of these factors are present here. There is no indication of bad faith or lack of reason in the International's decision to order a rerun. The International issued a reasoned opinion, in writing, and all parties agree that the local violated its procedures by failing to rent a second post office box for undeliverable returned ballot packets.

For the reasons set forth above, it is concluded that no violation of the LMRDA occurred. Accordingly, the office has closed the file on this matter.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

cc: James P. Hoffa, General President
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