



January 31, 2011



Dear [REDACTED]

This Statement of Reasons is in response to your complaint filed on October 22, 2010. You alleged that a violation of Title IV of the Labor Management Reporting and Disclosure Act of 1959 occurred in connection with the American Postal Workers Union, Local 2 election of officers held on April 1st through April 19th, 2010.

The Department of Labor conducted an investigation of your allegation. As a result of the investigation, the Department has concluded that there was no violation of the LMRDA.

You alleged that incumbent President, Bob Williamson, used Union resources, including a computer and copy machine, to create and duplicate a campaign flyer in violation of that Act. Use of union resources, including money, facilities, equipment and supplies, to promote the candidacy of any person is prohibited under the Act. 29 U.S.C. § 401(g).

The Department of Labor investigation revealed that the Union's network server crashed in April 2010. All of the Union's network data was lost, including data on Williamson's computer. The Department's investigation did not reveal any evidence that Williamson caused the crash to prevent detection of his use of the computer for campaign purposes. DriveSavers, a data recovery service, hired by the union to retrieve data from the crashed server, was unable to recover any data, but the Director of Operations informed the Department that he did not discern any suspicious or out of the ordinary reason for the server crash. Williamson denied using the Union's computer for campaign purposes. Williamson stated that he used his wife's personal computer in creating the flyer and then had the flyer copied at a paper store. Williamson provided credit card statements demonstrating that he had paid the costs of duplicating the campaign flyer at a print shop, and the print shop verified Williamson's

order. The investigation did not reveal evidence to support the allegation that Williamson used union resources to campaign in violation of the Act.

It is concluded from the analysis set forth above that the investigation failed to disclose any violation of the Act. Accordingly, I am closing the file on this matter.

Sincerely,

Patricia Fox
Chief, Division of Enforcement

cc: Mr. Cliff Guffey, President
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Mr. Robert Williamson, President
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