



June 20, 2012

[REDACTED]

Dear [REDACTED]

This Statement of Reasons is in response to your complaint filed with the U.S. Department of Labor on February 10, 2012, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the election of union officers conducted by the International Brotherhood of Teamsters, Local 584, on November 30, 2011.

The Department of Labor conducted an investigation of your allegation. As a result of the investigation, the Department has concluded, with respect to the specific allegation, that there was no violation of the LMRDA. Following is an explanation of this conclusion.

You alleged that prior to the election, the election supervisor and a candidate for the office of president removed ballots from the post office box used for the return of the voted ballots. The basis for this allegation is your contention that the union was unable to account for 150 voted challenged ballots. Section 401(c) of the LMRDA requires a union to provide adequate safeguards to ensure a fair election. *See* 29 C.F.R. § 452.110.

The investigation disclosed that, on the day of the ballot mailing, ballots were mailed to eligible members and to 184 others who were ineligible to vote at the time of that mailing as a result of dues delinquencies or termination. Any ineligible member who paid the dues delinquency no later than November 29, 2011, the day before the deadline by which voted ballots had to be received by the union, was eligible to vote in the election. Local 584 maintained a challenged ballot roster that listed the names of the 184 ineligible members. Ballots voted by ineligible members were deemed to be challenged ballots. The investigation disclosed that 34 of the 184 members listed on the challenged ballot roster returned ballots during the election. The remaining 150 members did not return ballots and did not vote. Thus, the union never received ballots from these 150 members. You erroneously believed that the 184 names listed on the challenged ballot roster represented the number of challenged ballots voted during the election. As a result, because the election records reflected only 34 such ballots as having been voted,

you assumed that the local was unable to account for 150 voted challenged ballots, the difference between the 184 names listed on the challenged ballot roster and the 34 challenged ballots voted in the election ($184 - 34 = 150$). However, the investigation substantiated that only 34 challenged ballots were voted in the election and that the local was able to account for all of these ballots. None of the remaining 150 ineligible members whose names were listed on the challenged ballot roster returned ballots. There was no violation.

For the reason set forth above, it is concluded that there was no violation of the LMRDA and I have closed the file on this matter.

Sincerely,

Patricia Fox
Chief, Division of Enforcement
Office of Labor-Management Standards

cc: James P. Hoffa, General President
International Brotherhood of Teamsters
25 Louisiana Avenue, N.W.
Washington, D.C. 20001

Frank Wunderlich, President
Teamsters Local 584
73 Hudson Street
New York, New York 10013

Christopher B. Wilkinson, Associate Solicitor
Civil Rights and Labor-Management Division