



January 22, 2016



Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the Department of Labor on July 2, 2015, alleging that a violation of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) occurred in connection with the rerun election of officers that was to be conducted by the LAX Domicile of the Allied Pilots Association (APA) on July 31, 2015.

The Department of Labor conducted an investigation of your allegation. As a result of its investigation, the Department has concluded that there was no violation of the LMRDA. The following is an explanation of this conclusion.

You alleged that the APA's rerun of its regularly scheduled election should have included reopening nominations. You were the incumbent LAX Domicile Chairman running for reelection in both the regular election and the rerun election. You alleged that the LMRDA and the APA's Constitution and Bylaws required the APA to reopen nominations for the rerun election to give other LAX Domicile members the opportunity to run for office. You agreed with the APA's decision to rerun the election, but you asserted that its decision not to reopen nominations failed to provide a full and correct remedy for the violations that allegedly occurred during the regular election.

Section 401(e) of the LMRDA requires unions to provide a reasonable opportunity to nominate candidates for election. You do not allege that the union failed to provide a reasonable opportunity for nominations to occur in the original election. There is no statutory or regulatory provision under the LMRDA that would then require a reopening of nominations for a union's voluntary rerun election. Moreover, the decision not to reopen nominations for a rerun election does not violate the union's constitution because it is silent on this issue.

The investigation revealed that the APA decided to rerun the LAX Domicile's regular election based on a determination that certain emails constituted use of union funds for

campaign purposes. The investigation revealed that the email blasts that formed the basis for the APA's decision to rerun the election were sent on March 14, 2015, and March 19, 2015 after nominations had concluded on February 27, 2015. Thus, there is no support for your contention that the APA's decision to rerun only the election round and not to open nominations failed to provide a full and correct remedy for the issues giving rise to the decision to conduct a rerun election.

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

Sincerely,

Sharon Hanley
Chief, Division of Enforcement

cc: Keith Wilson, President
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