

May 14, 2009

LM File No. 542-206

Lewis T. Baine III, Secretary/Treasurer
United Transportation Union Local 706
5205 Catawba Road
Troutville, VA 24175

Dear Mr. Baine:

This is in response to your continuing hardship exemption request for United Transportation Union, Local 706, LM File Number 542-206, for the fiscal year ending December 31, 2008. Your request dated April 17, 2009 was received by the Office of Labor-Management Standards (OLMS) on April 29, 2009. A labor organization may apply in writing for a continuing hardship exemption if Form LM-2 cannot be filed electronically without undue burden or expense. Such written application must be received at least thirty days prior to the required due date of the report(s).

You based your request upon the following information stated in your letter:

The local's former Secretary/Treasurer does not own a computer and has no way to file electronically. He was under the impression that he was granted a hardship exemption because he filed a paper report twice, but it has been returned each time.

OLMS denies your continuing hardship exemption request for filing Form LM-2 electronically for the fiscal year ending December 31, 2008, based on the information provided, as it was not received within thirty days prior to the required due date of the report. Moreover, you did not provide sufficient information showing that your union cannot electronically file a Form LM-2 without undue burden or expense.

The Form LM-2 Instructions require that the union's current president and treasurer, or corresponding principal officers of the union, that is the officials performing the duties of the principal executive officer and principal financial officer, must obtain a digital signature and sign the electronic report. If an officer other than the president or treasurer signs the report, enter the correct title in Item 70 or 71, and explain in Item 69 (Additional Information) why the president or treasurer did not sign the report. See Form LM-2 Instructions, Items 70-71, Signatures.

If you have any further questions about filing Form LM-2 pursuant to the hardship exemption, or any other Form LM-2 reporting questions, please call 202-693-0123 and reference your organization's LM file number.

Sincerely,

Andrew R. Davis, Chief
Division of Interpretations
and Standards

cc: Larry King, Chief, Division of Reports, Disclosure & Audits