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DECISION

Protest I-10-15 (Marielli)
Using likeness on campaign flyer

By email dated October 21, 2015, Local 100 member John Marielli and several others filed a protest that the Members' Rights Slate posted flyers that included a photograph of Marielli and the others standing with Richard Rocco, a candidate for Executive Board and Division Chair in Structure on the Stand United Slate, at a baseball game. Of those in the picture, only Rocco is a candidate for office. The flyer expressed negative opinions about Rocco, but said nothing about the others in the picture and did not identify them. Marielli and the other protesters object to the use of their photographs in a campaign flyer.

While I am sympathetic to the Protesters' concerns about their privacy and any misimpression that their pictures in the flyer may have communicated, there is nothing in the Election Rules that prevents a candidate from using a photograph in support of his or her campaign in the way that this flyer did. The members were in fact at the baseball game with Rocco. Their recourse is to post their own flyers, if they so wish, correcting any misimpression.

The protest is denied.

In accordance with the International Constitution and the Election Rules, any interested party unsatisfied with this determination may appeal to the Transport Workers Union of America Committee on Appeals. Any appeal shall be in writing and shall be filed in accordance with the procedure set forth in Article IV(6)(I)(1) of the Election Rules

and Articles XV and XXII of the International Constitution for the appeal to the International from decisions of Local Unions.

/s/ Barbara C. Deinhardt

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By email:
John Marielli
Arthur Schwartz, Esq.
Vincent O'Hara
Joe Campbell
Elections Committee