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DECISION

Protest I-35-2024 post (count late received ballots; Thompson eligibility)

By email dated December 13, 2024, Richard Richards filed a protest that there were over 600 ballots at the Post Office on the morning of December 12 that were not collected, opened and counted. He also asserts that someone who is not currently actively employed at the TA should not be eligible to take office.

The Election Rules are clear that “voted ballots must be mailed so as to arrive at the AAA Post Office Box before 6:00 PM on Wednesday December 11, 2024.” “No ballot which is received at the Postal Box after 6:00 PM on December 11, 2024 shall be counted.” Therefore, the last ballot pickup was at 6:00 PM on December 11. The Rules do not provide for counting ballots that were postmarked by December 12, if not received by December 11. Any protest about that provision of the Rules is untimely.

Protester objects to someone taking office who is not an active employee. As his protest has the reference line that reads, “Eligibility Status Of Rapid Transportation Operations Division Vice President,” I assume he is protesting the eligibility of Tramell Thompson. Mr. Thompson, who was elected Rapid Transportation Operations Division Vice President, was previously terminated from his employment with the Transit Authority, but is challenging in court the arbitration decision upholding his termination. First, I note that the protest is untimely. Mr. Thompson was found by the Election Committee to be eligible to run for office several months ago. Any protest should have been filed at that time. Further, on the merits, I

refer the Protester to my decision in I-06-24A, filed on September 20, 2024. In that case I upheld the Election Committee determination that Mr. Thompson was eligible to be nominated to run for office in this election. Any challenge to something that happens after this election is not within my jurisdiction.

Protest 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(B)(9) of the Election Rules and Article XXII of the International Constitution for the appeal to the International from decisions of Local Unions.



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By email:
Richard Richards
Arthur Schwartz
Denis Engel
Elections Committee