



February 8, 2016

[REDACTED]

Dear [REDACTED]:

This Statement of Reasons is in response to the complaint you filed with the Department of Labor on July 1, 2015, alleging that the Allied Pilots Association (APA) violated Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA) in ordering a rerun of the 2015 election of officers of the LAX Domicile. The rerun election was scheduled to be conducted on July 31, 2015.

In your complaint, you alleged that the APA erred in ordering a rerun of the 2015 election of LAX Domicile officers because you disagreed with the APA Appeal Board's conclusion that a violation of the LMRDA had occurred in connection with the regular election. The Department of Labor conducted an investigation of your allegation. As a result of its investigation, the Department has concluded that your complaint should be dismissed as moot. The following is an explanation of this conclusion.

Before seeking to overturn a union election, the Secretary must find a violation of the LMRDA which was not remedied and which affected the outcome of the election. In deciding whether to conduct a rerun election, a union is not held to that same standard. Section 402(a) of the LMRDA, which requires that a member exhaust internal union remedies before complaining to the Secretary of a violation of § 401 of the LMRDA, was intended to give unions a chance to correct election problems and deficiencies, thereby preserving a maximum amount of independence and encouraging responsible self-government. In furtherance of this legislative objective, the Secretary accords a degree of deference to decisions on internal union election protests providing for the conduct of a new election. The Secretary will not seek to reverse a union's remedial decision to hold a new election, even if the evidence could be viewed as insufficient to support a decision by the Secretary to sue to overturn the original election, unless it is apparent that the decision was based on the application of a rule that violates the LMRDA; the decision was made in bad faith, such as to afford losing candidates a second opportunity to win; or the decision is otherwise contrary to the principles of union democracy embodied in the statute and holding a new election is unreasonable.

The Department's investigation revealed that the APA decided to rerun the LAX Domicile's regular election of officers in response to internal protests about email blasts that criticized members of the APA Board of Directors, including the incumbent LAX Domicile officers who were running for reelection. The email blasts were sent to some groups of APA members. While the Department's investigation found that the evidence may have been insufficient to support a decision by the Department to overturn the original election due, in part, to a lack of effect on the outcome of the election,<sup>1</sup> as stated, the union is not held to that standard. Moreover, in this instance, it is not necessary to review the union's decision to rerun the election under the applicable standard. The investigation revealed that the same challenging candidates who won during the regular election were elected by acclamation after the incumbent candidates withdrew from the rerun election. Consequently, even if there were a basis for setting aside the APA's decision to rerun the election, because the challenging candidates who won the regular election were elected by acclamation following the incumbent candidates' withdrawal from the rerun election, the issue is moot. Accordingly, the office has closed the file on this matter.

Sincerely,

Sharon Hanley  
Chief, Division of Enforcement

cc: Keith Wilson, President  
Allied Pilots Association  
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Beverly Dankowitz, Acting Associate Solicitor  
Civil Rights and Labor-Management Division

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<sup>1</sup> The investigation established that the original transmissions of the emails entitled "Accountability" and "A House Divided," were sent to MIA and LGA Domicile members, who do not vote in LAX Domicile officer elections, and the retransmission of the "Accountability" email blast to LAX Domicile members was a use of the APA domicile email system for campaign purposes that the union permitted and made available to all candidates.