

**THE PUBLIC REVIEW BOARD  
INTERNATIONAL UNION, UAW**

APPEAL OF:

DEBORAH TORRES, Member  
UAW LOCAL UNION 594  
(Pontiac, Michigan),  
Appellant

-vs-

CASE NO. 1486

UAW LOCAL UNION 594 EXECUTIVE BOARD  
REGION 1  
(THE UNITED AUTOMOBILE, AEROSPACE  
AND AGRICULTURAL IMPLEMENT  
WORKERS OF AMERICA),  
Appellee.

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**DECISION**

(Issued November 23, 2004)

PANEL SITTING: Prof. Theodore J. St. Antoine, Chairperson,  
Prof. Benjamin Aaron, Prof. Janice R. Bellace,  
Prof. James J. Brudney, Prof. James E. Jones,  
Jr., and Prof. Paul C. Weiler.

Deborah Torres argues that the charge she filed against the Local 594 Committeeperson Robert Presson satisfied the requirements of Article 31, §3, of the International Constitution.

**FACTS**

On October 13, 2003, UAW Local 594 member Deborah Torres filed a charge against Committeeperson Robert Presson pursuant to Article 31 of the International Constitution. The charge states:

“I am charging that his conduct is unbecoming of a union member. Specify reason why: Mr. Presson went to management, my current Supervisor Liz Brown, to obtain a statement from her against me (a union member) saying that I was unable to do the current job I am doing, Group Leader of 11bb.”<sup>1</sup>

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<sup>1</sup> Record, p. 1.

The charge indicates that it was received by Acting Chairperson Anthony Jones on October 13, 2003.

The Local 594 Executive Board considered Torres' charge during a meeting on November 6, 2003, and determined that the charge failed to satisfy the requirements of Article 31, §3(a), (b), and (c), of the International Constitution. The minutes of the Executive Board meeting indicate that the Board found that the charge was insufficiently specific to satisfy the requirements of §3(a) of Article 31. Moreover, the Board held that because the charge failed to state when the act described occurred, it was impossible to determine whether it was timely within the meaning of §3(b). Finally, the minutes indicate that the Board concluded that the act described did not constitute conduct unbecoming a union member and so was improper under §3(c).<sup>2</sup>

Local 594 Recording Secretary Marcus Hamilton notified Torres of the Local Executive Board's action on her charges on November 10, 2003. Torres appealed the Local Executive Board's ruling to the International Executive Board (IEB) on November 29. International President Ron Gettelfinger's staff determined that a hearing was unnecessary on Torres' appeal. Staff prepared a report for the IEB based upon the information provided by Torres and the Local Union.<sup>3</sup>

Staff determined that Torres' charge failed to satisfy the requirements of Article 31, §3(a), of the Constitution in that it did not indicate when the alleged offense happened, or why it happened, or how it affected Torres.<sup>4</sup> Staff denied Torres' appeal based on this finding. The IEB adopted staff's report as its decision and notified Torres on March 23, 2004. Torres appealed the IEB's decision to the Public Review Board (PRB) on March 26. In support of her appeal, Torres submitted four notarized statements concerning the statement obtained by Committeeperson Presson from Supervisor Liz Brown about Torres' inability to do the Group Leader's job.<sup>5</sup>

## ARGUMENT

### **A. Deborah Torres:**

My representative, Robert Presson, solicited Management to obtain a statement that would prevent me from obtaining a promotion. I have four notarized statements to verify that the statement that Presson obtained from my Supervisor Liz Brown was read on June 18, 2003, at Region 1.

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<sup>2</sup> Record, p. 5.

<sup>3</sup> Record, pp. 12-16.

<sup>4</sup> Record, p. 15.

<sup>5</sup> Record, pp. 32, 33, 34, and 35.

Mr. Presson has withdrawn 17 grievances that I have filed. I have been trying unsuccessfully for two years to obtain information about these grievances. It is my intent to appeal each grievance to the PRB. The manner in which my grievances have been processed will demonstrate the pattern of collusion and racketeering that I have faced from the UAW.

**B. International Union:**

Appellant's charge fails to specify why she believes that the Committeeperson's conduct constituted conduct unbecoming a member of the Union. Furthermore, she does not provide any information about the time the events took place, or the consequences of the alleged misconduct. Without these details, it is impossible to determine whether the allegations regarding Committeeperson Presson's conduct, even if taken as true, constitute conduct unbecoming a union member. This lack of specificity precludes analysis of the other factors set out in Article 31, §3. The appeal should therefore be denied.

DISCUSSION

We have denied Torres' request for oral argument on this appeal because the facts are undisputed and the application of Article 31 to the charge under consideration here is clear. We agree that the charge submitted by Torres on October 13, 2003, lacks the specificity required by Article 31, §3(a), of the Constitution. The text of the charge filed by Torres indicates that Presson obtained a statement from her supervisor about her ability to perform a particular job. Obtaining such statements is a routine step in the investigation of a grievance and Torres' charge does not explain her objection to Presson's action.

The notarized statements submitted by Torres with her appeal to the PRB provide some further details concerning her complaint against Presson. The statement from Lunzie Lyons suggests that Presson may have asked the Supervisor to confirm his belief that Torres was incapable of doing the Group Leader's job.<sup>6</sup> This submission comes too late to correct the deficiencies in Torres' charge, but even if it had been presented to the Local Executive Board within the time limits specified in Article 31, §3(b), of the Constitution, Lyons' statement is not sufficient to describe conduct unbecoming a member of the Union. We have consistently ruled that acts or omissions of a local union officer in the performance of his or her official responsibilities may not be the subject of Article 31 charges unless it is alleged that the officer acted with malice. *Wright v. Local Union 1069, UAW*, 5 PRB 775 (1990). The charge that Torres submitted does not assert that Committeeperson Presson acted with malice.

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<sup>6</sup> Record, p. 33.

Torres' arguments in support of her appeal reveal that her complaint against Committeeperson Presson is concerned primarily with his handling of her grievances.<sup>7</sup> Article 33 of the International Constitution provides the appropriate means to challenge a Committeeperson's withdrawal of a grievance. The filing of charges pursuant to Article 31 of the UAW's Constitution is intended exclusively for disciplinary ends. *Maewethers Marshall v. Local 364, UAW*, 1 PRB 522 (1969). Charges are not the appropriate means to address claims of contractual violations.

The decision of the IEB is affirmed.

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<sup>7</sup> In a recent decision, we expressed our concern over Committeeperson Presson's lack of response to evidence that Torres had been the victim of threats and discrimination in her department. *Torres v. UAW Local Union 594*, PRB Case No. 1470, (May 25, 2004). In that case, however, we determined that the specific problems faced by Torres in her department had been addressed, so that nothing would be gained by reopening her grievance. We suggested that future problems would have to be addressed in separate grievances. (PRB Case No. 1470, at pp. 12-13)