

**Report of the
Appeals Committee
to the
77th Convention**



Communications Workers of America

July 29-31, 2019

Las Vegas, Nevada

INTRODUCTION

The Appeals Committee convened July 25-30, 2019, at the Westgate Las Vegas Resort and Casino in Las Vegas, Nevada, for the purpose of receiving and disposing of appeals in accordance with the CWA Constitution and the Internal Appeals Procedures of the Union, as established by prior Conventions and the Executive Board.

The Committee was available to meet with interested parties on July 27 through July 28, 2019, between the hours of 2:00 pm through 6:00 pm. Outside of these hours, the Committee was available by appointment.

We thank the committee members – James Ryan, President, CWA Local 13101- Chair; David Weidlich Jr., President, CWA Local 1298; Rodney Hughes, President, CWA Local 3607; Kimberly Humphrey, President, CWA Local 6450; and Mary Lou Schaffer, Secretary-Treasurer, CWA Local 13500 for their hard work and the time they devoted to these appeals. Also, the Committee thanks John Dempsey, Staff Representative, CWA District 1 for his support and assistance.

APPEAL 1

Monazir Khan, former Executive Vice President of the Education Division of CWA Local 1104, appealed the decision of CWA's Executive Board to uphold the Local Trial Court's ruling and the Local Executive Board's affirmance of that ruling, which found Mr. Khan guilty of "persistent, severe, and unwelcome sexual harassment" as charged by Local 1104 Business Agent At-Large Heather Nelson, who worked under his direction. This appeal is timely and properly before the 2019 Convention.

Specifically, Ms. Nelson submitted revised charges to correct initial charge deficiencies regarding the lack of a signature and specific dates. The revised charges allege that Mr. Khan had engaged in misconduct that included:

- Repeated and constant phone calls in which he discussed intimate details of his personal life;
- Forcible attempts to kiss her on multiple occasions;
- Repeated attempts to touch her while the two were driving together and;
- Initiation of conversations concerning genitals.

After considering the evidence submitted by the prosecution and the defense, including testimony from various witnesses, in addition to that of Mr. Khan and Ms. Nelson, the Local Trial Court unanimously found Mr. Khan guilty of these charges and suspended him from union membership for four years. The Local Executive Board voted unanimously to leave the Local Trial Court verdict in place, a verdict which was affirmed by CWA's Executive Board.

On this appeal to the Convention, Mr. Khan argues that numerous procedural and substantive deficiencies operated to deny him justice. None of these arguments have merit.

CWA's Executive Board, in a comprehensive opinion, addressed each of Mr. Khan's claims. The Executive Board determined that: the revised charges were timely and sufficiently specific; the selection of the Trial Court was proper; the substance, handling and production of the trial court transcript was appropriate; and it would not "second guess" the decision of the Trial Court on issues of credibility. Mr. Khan produced no evidence to establish that CWA's Executive Board's review of the matter and its ultimate decision agreeing with the Local Trial Court and the Local Executive Board was inappropriate or improper.

The Appeals Committee agrees with CWA's Executive Board's conclusion and recommends that the decision of the Executive Board be upheld and Mr. Khan's appeal be denied.

APPEAL 2

CWA Local 6143 President Peace appealed the Executive Board's decision agreeing with the recommendation of Prosecutor Mark Franken not to prosecute her charges against Local 6143 Secretary-Treasurer Joann Elizondo alleging violations of the CWA Constitution and Local 6143 Bylaws. This appeal is timely and properly before the 2019 Convention.

President Peace charged Secretary-Treasurer Elizondo with failing to follow official directives, failing to maintain the Local's records, failing to fulfill her fiduciary duties, and harassing Local staff. After his comprehensive investigation, Prosecutor Franken found no probable cause to prosecute.

President Peace alleged that Prosecutor Franken's report reflected bias and lack of due diligence. Specifically, regarding her bias claim, President Peace

referenced previous disagreements with Prosecutor Franken and with District 6 Vice President Claude Cummings. Regarding her due diligence claim, President Peace disagreed with Prosecutor Franken's decision to interview Local Officers, in addition to Secretary/Treasurer Elizondo, and his decision not to ask President Peace to go into certain details or to show him how certain things were done.

Under the CWA Constitution, prosecutors have significant latitude and are not required to follow the procedure suggested by the charging party. Prosecutor Franken's thirty-three page report contains forty-one exhibits and responds to each of President Peace's allegations.

The Committee has reviewed the extensive file and Prosecutor Franken's detailed report. President Peace has provided no concrete evidence to show that Prosecutor Franken was biased or that his investigation lacked due diligence and was anything less than comprehensive.

For these reasons, the Committee agrees with the Executive Board that Prosecutor Franken conducted a thorough and unbiased investigation, and that there was no abuse of discretion. Therefore, we see no reason to disturb the recommendation made by Prosecutor Franken and we recommend that the decision of the Executive Board be upheld and the appeal of President Peace be denied.

APPEAL 3

Member Kenneth Slothour appealed the decision of the CWA Executive Board accepting the recommendation of Prosecutor Janine Munson not to prosecute the charges Mr. Slothour filed against the twelve officers and executive board members of Local 9003. The appeal is timely and is properly before the 2019 Convention.

A timeliness issue was presented in this appeal. Mr. Slothour had directed CWA to send all communications to his post office box. On October 23, 2018, CWA mailed the Executive Board's decision and appeal rights to the post office box. The mailing was returned to CWA as unclaimed. CWA then re-sent the decision and appeal rights to Mr. Slothour's home address. His appeal to this Convention was received within the required thirty day period, as measured from the second mailing but not within thirty days of the first mailing. Because there is doubt as to whether Mr. Slothour received the original mailing, the Committee recommends that the appeal be accepted as timely.

Mr. Slothour was not appointed steward by the Local 9003 President Marisa Remski after he lost his bid to become local president. Following the practice of past Local 9003 presidents, President Remski asked all stewards to recertify for their positions. President Remski did not appoint Mr. Slothour.

Although Mr. Slothour cited many provisions of the CWA Constitution and the Local 9003 bylaws, the fundamental issue presented here is whether President Remski had the right to require the recertification of stewards and to reject Mr. Slothour's application. Mr. Slothour's charges clearly lack merit.

Article 9, Section 6 of the Local 9003 bylaws permits the Local Executive Board to "appoint, upon the recommendation of the President, . . . stewards . . ." Appointees can be removed by majority vote of the Executive Board. Article 9, Section 6 has been used by past presidents to require all stewards to apply again for appointment, just as President Remski did in this case. As such, the recertification process was not a violation of the bylaws.

Further, Mr. Slothour has not provided evidence to show that President Remski's decision not to recertify him was based on anything other than his repeated insubordination and failure to communicate. He provided no proof of an improper bias on the part of Prosecutor Munson.

For these reasons, the Appeals Committee recommends that Mr. Slothour's appeal be accepted as timely and that the Executive Board's decision to uphold the recommendation of Prosecutor Munson be upheld and Mr. Slothour's appeal be denied.

APPEAL 4

On March 5, 2019, President Thomas Denos appealed CWA Executive Board's decision not to arbitrate the Local's grievance challenging CenturyLink's movement of rapid recovery and other expense work functions from the Engineering and Construction (E&C) Organization to the Region Operations (Field Ops) Organization. This appeal is timely and properly before the 2019 Convention.

CenturyLink returned work to the bargaining unit when it moved work performed by contractors in E&C to Field Ops. As a result, five bargaining unit employees from Construction were transferred to Field Ops. Eight months later, CenturyLink declared a surplus in Field Ops. The surplus was not grieved.

President Denos argues that the movement of this work violated Articles 7, 19, 20 and 21 of the collective bargaining agreement. However, none of these

articles support the Local's grievance. Article 7 permits the company to move work within a job title, which is what the company did here. Article 19 concerns force adjustment procedures, which are not at issue here since no surplus was declared at the time of the transfer. Article 20 does not apply because it addresses reassignments within the same organization, which is not what happened here. Article 21 involves the post and bid process. That process was not involved in this movement of work.

The Union has no basis upon which to prevail in arbitration. For these reasons, the Appeals Committee recommends that the Executive Board's decision be affirmed and the appeal of President Denos be denied.

APPEAL 5

On July 15, 2019, Local 4340 President David Passalacqua appealed the CWA Executive Board's decision not to arbitrate the Local's grievance regarding the discharge of Member Steve Carlson. The appeal is timely and properly before the 2019 Convention.

Mr. Carlson was employed by AT&T as a Customer Service Specialist in Cleveland, Ohio. He had 19 years of service. He was terminated for failing to timely report a motor vehicle accident involving his company vehicle and for being dishonest during the company's investigation.

The Company can prove that Mr. Carlson knew that he was required to immediately report the accident and that he had the opportunity to do so:

- The Company maintained a policy requiring employees to immediately report to supervision any accident with a company vehicle;
- In 2017, Mr. Carlson was suspended for failure to report an on the job accident;
- The company can show that he notified a union steward when he returned to the garage the day of the accident;
- Two managers were on duty when he arrived at the garage, but he did not report the accident to them and he failed to call the duty foreman;
- In addition, Mr. Carlson had three instances of discipline for other offenses, including a prior motor vehicle accident.

The company can also show that Mr. Carlson was dishonest when he was questioned about the accident. Mr. Carlson told the company that he did not know he had damaged the vehicle's ladder rack. The company has evidence that Mr. Carlson told a union steward about the accident and that he used Del Tecs (tie wraps) to secure the ladder to the truck, making it hard to convince an arbitrator that he did not notice the damage to the vehicle's ladder rack.

Additionally, the union arbitrated and lost a similar termination case in which the grievant failed to immediately report a motor vehicle accident. For these reasons, the Appeals Committee does not believe that any arbitrator would sustain the Local's grievance.

Therefore, the Appeals Committee recommends that the decision of the Executive Board be upheld and the appeal of Mr. Carlson be denied.

APPEAL 6

CWA Local 3204 Members David Newbern, Greg Nix, Evan Nolan and Corey Wells ("Charging Parties") filed an appeal of the CWA Executive Board's decision to adopt Prosecutor Isa Shabazz's recommendation not to prosecute their charges. This appeal is timely and properly before the 2019 Convention.

The Charging Parties alleged, among other things, that President Barlow improperly handled the finances of Local 3204 through the purchase of a vehicle, the awarding of a Local remodeling contract, and the billing of mileage to the Local for reimbursement. The Charging Parties charged Secretary-Treasurer Vanessa Jackson as well, alleging that she knew of President Barlow's violations and failed to act.

Prosecutor Shabazz concluded that the charges regarding the mileage reimbursement and the remodeling were untimely. The mileage reimbursement was approved by the Executive Board and the membership around December 2014. The renovations at issue were completed in 2015, 2016, and 2017 respectively. Each of these incidents occurred more than sixty days before the February 13, 2018 charges were filed.

Of the charges the Prosecutor found timely, the record does not support any violations of the CWA Constitution or the Local 3204 Bylaws. The Charging Parties did not demonstrate that the Local was brought into disrepute as a result of

serious offenses as required by Article XIX, Section 1(i). The Local was properly bonded. The requirements for voucher production were met. The requirement of two signatures for the check used to purchase the vehicle was satisfied because the check was delivered by a different officer than the one who signed it, showing the assent of two officers. The purchase of the vehicle was approved by the Executive Board and by the general membership.

After a thorough review of the appeal and the case file, the Appeals Committee recommends that the decision of the Executive Board be upheld and the appeal of the Charging Parties be denied.

APPEAL 7

CWA Local 4622 President Robert Boelk appealed the CWA Executive Board's decision not to arbitrate the Local's grievance concerning AT&T's refusal to pay differential payments to employees that performed work across different wage zones. The appeal is timely and properly before the 2019 Convention.

The collective bargaining agreement sets forth wage zones for different geographical areas. In Wisconsin, employees who report to locations in Wage Zone 12 are paid a higher hourly rate than those who report to locations in Wage Zone 13. Local 4622 filed a grievance for employees whose reporting locations are in Wage Zone 13 but who are assigned to work during their shifts in the higher-paid Wage Zone 12. AT&T pays the higher rate to Wage Zone 13 employees only when they are assigned to at least an overnight detail in Wage Zone 12. It does not pay the higher rate to those who perform work in Wage Zone 12 but return to Wage Zone 13 at the end of their shifts.

President Boelk argues that any time spent by Wage Zone 13 employees working in Wage Zone 12 should be paid at the Wage Zone 12 hourly rate. He references Articles 13.01, 19.07 and 25.01 and AT&T's past practice as the bases for his argument.

The collective bargaining agreement does not support the local's claim. Article 13.01 does no more than set forth the wage index for job titles; it does not refer to an employee crossing wage zones during his or her shift. Article 19.07 addresses temporary assignment to higher titles, not employees performing the same duties in different wage zones. Article 25.01 discusses when an employee

starts or ends his or her shift other than at his or her Report Location. It does not address differential payments for a work assignment in a different wage zone.

The records available do not show a uniform, clear and well-established past practice. The only evidence presented with the appeal is one local manager who authorized differential payments in the manner alleged. In that instance, the company stopped the payments as soon as upper management became aware that those payments were being made. Thus, the Union cannot prove a binding past practice and therefore cannot prevail in arbitration.

After a thorough review of this case, the Appeals Committee recommends that the decision of the Executive Board be upheld and the appeal of President Robert Boelk be denied.

APPEAL 8

On October 16, 2018, Local 1298 Member Michael Duffy appealed the decision of the CWA Executive Board to deny his challenge to the January 2018 run-off election for the position of Secretary-Treasurer. This appeal is timely and properly before the 2019 Convention.

The November 2017 election for Secretary-Treasurer did not result in any one of the three candidates for that office receiving a majority of the votes cast. A second election was required. The December 2017 election resulted in a tie between Candidates Michael Duffy and Louise Gibson. A third election held in January 2018 resulted in Ms. Gibson receiving 613 votes and Mr. Duffy receiving 605 votes. One ballot was voided. These results were certified by the American Arbitration Association.

In his appeal to this convention, Mr. Duffy claims that the membership was not properly notified of the January 2018 election, that Ms. Gibson campaigned inappropriately, and that there were issues relating to voter eligibility.

The evidence presented by Mr. Duffy does not support his allegations. Elections are not required to be identical to previous elections by federal law, the CWA Constitution or Local 1298 bylaws. Ballots, such as those mailed in the January 2018 election, can serve as notification and the 23 day time line for ballot return exceeds the legal requirement.

Further, the Election Committee acted reasonably under its authority to address all questions concerning the conduct and challenges to elections. It found no inappropriate campaigning by Ms. Gibson.

This Committee finds that, after reviewing the files and the challenges made, the results of the election would not have been changed even if Mr. Duffy's claims regarding voter eligibility were correct. Had the votes in question been cast in favor of Michael Duffy, the election result would have been the same.

For these reasons, the Appeals Committee recommends that the decision of the Executive Board be upheld and the appeal of Member Duffy be denied.

APPEAL 9

On March 5, 2019, CWA Local 2108 President Marilyn Irwin appealed the CWA Executive Board's decision not to arbitrate the grievance regarding the discharge of Verizon employee Keith Coleman. The appeal is timely and properly before the 2019 Convention.

Grievant Coleman was employed by Verizon as a Cable Splicing Technician ("CST"). His net credited service date is September 26, 1998. The record indicates that Mr. Coleman suffers from "profound anxiety and anger dealing with difficult customers." Because of that, for a period of time, Mr. Coleman worked limited duties and was off the job on short term disability ("STD") due to this medical condition. In December 2015, Verizon separated him from employment. Subsequently, he got a job with Comcast as a service technician interacting face-to-face with customers daily.

Verizon's CST job description includes, under the heading General Duties, the following:

"Contacting customers face-to-face to notify them of work being performed on their lines, and when service is restored. Also communicates Company policy and bills customer when appropriate."

As a result of the 2011-12 negotiations between Verizon and CWA District 2-13, the District and the company agreed to a new provision that addressed how the company treats employees who have restrictions due to medical issues, which is titled "Medical Restriction Leave of Absence Policy Amendment" ("MR-LOA Policy").

Under the newly bargained-for MR-LOA Policy, an employee who is medically restricted for more than 150 days and for whom no “suitable work” is available, as defined in the 1998 Medically Restricted Policy, will be placed on a medical restriction leave of absence effective on the 151st day of the medical restriction. The definition of “suitable work” in the 1998 Medically Restricted Policy is “an available existing position that the employee with a medical restriction is qualified to perform. The employee must be able to perform all essential functions of the position with or without reasonable accommodation.”

The MR-LOA Policy further states that the medical restriction leave of absence will not exceed 52 weeks in total from the date the medical restriction was first approved. While an employee is on a medical restriction leave of absence, the company will continue to look for suitable work for the employee, first within the employee’s bargaining unit and then within the respective state. If the employee has not returned to work at the end of the 52-week period, the employee will be dropped from the payroll.

Based on the MR-LOA Policy, Mr. Coleman was put on a medical restriction leave of absence on the 151st day. And, by the end of the 52-week period, Mr. Coleman’s medical restriction remained and no suitable work had become available. So, he was dropped from the payroll.

In its appeal to the Convention, the Local argues that the company violated Article 11’s requirement that Verizon not “unlawfully discriminate against any employee because of such employee’s . . . disability . . .” The appeal references a decision by the Prince George’s County Human Rights Commission involving an employee who had a disability, but could ultimately perform the essential functions of his job. Unlike that employee, Mr. Coleman could not perform an essential job function, specifically regular face-to-face customer contact.

The Appeals Committee notes that, neither Mr. Coleman, nor Local 2108, pursued a discrimination claim in any other forum, and the collective bargaining agreement, including MR-LOA, did not require that he be retained. We further note that one of the challenges the Local would face if the grievance were to be arbitrated is that Mr. Coleman’s current employment with Comcast demonstrates his ability to regularly engage in face-to-face customer contact. So, his credibility will be seriously questioned.

Based on the above, the Appeals Committee recommends that the decision of the Executive Board be upheld and the appeal of the Local be denied.

APPEAL 10

Suspended CWA Local 39000 President-Elect and expelled member Mary Lou Aranguren appealed the decision of the CWA Executive Board upholding the National Trial Court's guilty verdict against her for attempting to disaffiliate Local 39000 from CWA. This appeal is timely and properly before the 2019 Convention.

Ms. Aranguren raised procedural and substantive arguments. We have found no procedural deficits in this matter. Ms. Aranguren claims that she was not timely informed of the trial court's verdict. However, consistent with prior Executive Board decisions, the mailing of the trial court determination complied with Article XX, Section 3(b)(6) because it was mailed within five business days. It does not need to be mailed within five calendar days.

Ms. Aranguren further argued that CWA's processes were biased against her. There is no evidence of this. CWA's processes were applied to her in the same way as they have been applied to every other CWA member. Ms. Aranguren does not contest this, claiming instead that the processes were not as strict as those of a legal proceeding. Internal union proceedings need only comply with the CWA Constitution, not any formal legal procedure. Therefore, this claim is without merit.

Ms. Aranguren's substantive arguments are utterly unpersuasive. The National Trial Court found that Ms. Aranguren repeatedly and willfully violated the CWA Constitution and the Local 39000 bylaws by her campaign to disaffiliate the Local from CWA. Among other things, she emailed three members of Local 39000, under the subject line "Disaffiliation plans," to determine whether they were interested in mobilizing others to disaffiliate from CWA. In a second email, under the subject line "Disaffiliation vote," Ms. Aranguren advised members that "[O]n advice of counsel we have to be very careful about . . . discussing issues, strategy, and facts."

Ms. Aranguren maintained these efforts through at least July 2018. She wrote to Local 39000 members that CWA had "shown patent disregard for our best interests;" "gutted" the Local; and "given up on" the Local. She urged members to vote to reject a tentative agreement – that would have raised their wages and improved their working conditions – for the purpose of bringing about her goal of disaffiliation from CWA. Based upon this continuing violation of the CWA

Constitution, Ms. Aranguren's suggestion that Ms. Paredes' charges are untimely is baseless.

On appeal, Ms. Aranguren offers no convincing response to the evidence put forward by Prosecutor Ruiz and affirmed by the National Trial Court establishing that she was a central figure in a conspiracy to disaffiliate Local 39000 from CWA. The evidence Prosecutor Ruiz put forward conclusively established violations of Article XIX, Section 1, subsections (c), (d), and (i), and Section 2(b), of the CWA Constitution. The National Trial Court agreed.

The Trial Court's decision was well supported by evidence. For these reasons, and because a disaffiliation campaign such as this is a fundamental violation of a member's duty, let alone an officer's, to CWA, the Appeals Committee recommends that the Executive Board's decision be upheld and Ms. Aranguren's appeal be denied.

APPEAL 11

Expelled member Juan Ramirez appealed the decision of CWA Executive Board upholding the National Trial Court's guilty verdict against him for attempting to disaffiliate Local 39000 from CWA. This appeal is timely and properly before the 2019 Convention.

Prosecutor Ruiz presented overwhelming evidence, and the Trial Court affirmed, that Mr. Ramirez violated the CWA Constitution and the Local 39000 Bylaws by promoting disaffiliation from CWA. Mr. Ramirez chose not to attend the trial. Mr. Ramirez was found guilty of violating Article XIX, Section 1, subsections (c), (d) and (i) and Section 2(b). He has since terminated his union membership following the Supreme Court's Janus decision.

Mr. Ramirez raised no valid defense to these charges in his appeal. His allegation that members of the CWA Executive Board should have recused themselves must be rejected. It is the duty of each and every CWA Executive Board member to interpret and uphold the CWA Constitution.

Mr. Ramirez alleged that the allegations were not filed in a timely manner. Unlike an allegation that has a single event, this disaffiliation campaign was a continuing series of events in which Mr. Ramirez and his co-conspirators worked to promote dissension within the membership with an ultimate goal of leaving CWA. As such, the charges filed were timely.

Finally, Mr. Ramirez challenged the motivation behind the charges filed against him. This argument must be firmly rejected. Prosecutor Ruiz clearly showed, and the Trial Court affirmed, that Mr. Ramirez actively sought to disaffiliate Local 39000 from CWA. The Trial Court's decision is well supported by evidence and must be confirmed.

For these reasons, and because a disaffiliation campaign such as this is a fundamental violation of a member's duty to CWA, the Appeals Committee recommends that the Executive Board's decision be upheld and Mr. Ramirez's appeal be denied.

APPEAL 12

Expelled member Camille Taiara appealed the decision of the CWA Executive Board upholding the National Trial Court's guilty verdict against her for attempting to disaffiliate Local 39000 from CWA. This appeal is timely and properly before the 2019 Convention.

Prosecutor Ruiz presented overwhelming evidence that Ms. Taiara violated the CWA Constitution and the Local 39000 Bylaws by promoting disaffiliation from CWA. Ms. Taiara chose not to attend the trial. The Trial Court found her guilty of violating Article XIX, Section 1, subsections (c), (d) and (i) and Section 2(b).

Ms. Taiara raised no valid defense to these charges in her appeal. Her allegation that members of the CWA Executive Board should have recused themselves must be rejected. It is the duty of each and every CWA Executive Board member to interpret and uphold the CWA Constitution.

Ms. Taiara alleged that the charges against her were not filed in a timely manner. Unlike an allegation that has a single event, this disaffiliation campaign was a continuing series of events in which Ms. Taiara and her co-conspirators worked to promote dissension within the membership with an ultimate goal of leaving CWA. As such, the charges were timely.

Finally, Ms. Taiara challenged the motivation behind the charges filed against her. This argument must be firmly rejected. Prosecutor Ruiz clearly showed, and the Trial Court affirmed, that Ms. Taiara actively sought to disaffiliate

Local 39000 from CWA. The Trial Court's decision is well supported by evidence and must be confirmed.

For these reasons, and because a disaffiliation campaign such as this is a fundamental violation of a member's duty to CWA, the Appeals Committee recommends that the Executive Board's decision be upheld and Ms. Taiara's appeal be denied.

APPEAL 13

Expelled member Carla Cuevas appealed the decision of the CWA Executive Board upholding the National Trial Court's guilty verdict against her for attempting to disaffiliate Local 39000 from CWA. This appeal is timely and properly before the 2019 Convention.

Prosecutor Ruiz presented overwhelming evidence that Ms. Cuevas violated the CWA Constitution and the Local 39000 Bylaws by actively and eagerly promoting disaffiliation and serving as a mobilizer for the disaffiliation campaign. Ms. Cuevas chose not to attend the trial. The Trial Court found her guilty of violating Article XIX, Section 1, subsections (c), (d) and (i) and Section 2(b).

Ms. Cuevas raised no valid defense to these charges in her appeal. Her allegation that members of the CWA Executive Board should have recused themselves must be rejected. It is the duty of each and every CWA Executive Board member to interpret and uphold the CWA Constitution.

Ms. Cuevas alleged that the charges were not filed in a timely manner. Unlike an allegation that has a single event, this disaffiliation campaign was a continuing series of events in which Ms. Cuevas and her co-conspirators worked to promote dissension within the membership with an ultimate goal of leaving CWA. As such, the charges were timely filed.

Finally, Ms. Cuevas challenged the motivation behind the charges filed against her. This argument must be firmly rejected. Prosecutor Ruiz clearly showed, and the Trial Court affirmed, that Ms. Cuevas actively sought to disaffiliate Local 39000 from CWA. The Trial Court's decision is well supported by evidence and must be confirmed.

For these reasons, and because a disaffiliation campaign such as this is a fundamental violation of a member's duty to CWA, the Appeals Committee

recommends that the Executive Board's decision be upheld and Ms. Cuevas's appeal be denied.

APPEAL 14

Expelled member Daniel Navarro appealed the decision of the CWA Executive Board upholding National Trial Court's guilty verdict against him for attempting to disaffiliate Local 39000 from CWA. This appeal is timely and properly before the 2019 Convention.

Prosecutor Ruiz presented overwhelming evidence that Mr. Navarro violated the CWA Constitution and the Local 39000 Bylaws by actively and eagerly promoting disaffiliation. Mr. Navarro chose not to attend the trial. Prosecutor Ruiz presented evidence that Mr. Navarro had an active role in the attempt to disaffiliate Local 39000 from CWA, including repeatedly confirming his desire to be a "foot soldier" for the campaign's leaders and emailing individuals about drafting a petition endorsing disaffiliation. He sought guidance on how to frame the petition and stated, "I'll see you soon with pitchforks." The Trial Court found Mr. Navarro guilty of violating Article XIX, Section 1, subsections (c), (d) and (i) and Section 2(b).

Mr. Navarro raised no valid defense to these charges in his appeal. His allegation that members of the CWA Executive Board should have recused themselves must be rejected. It is the duty of each and every CWA Executive Board member to interpret and uphold the CWA Constitution.

Mr. Navarro alleged that the charges were not filed in a timely manner. Unlike an allegation that has a single event, this disaffiliation campaign was a continuing series of events in which Mr. Navarro and his co-conspirators worked to promote dissension within the membership with an ultimate goal of leaving CWA. As such, the charges filed were timely.

Finally, Mr. Navarro challenged the motivation behind the charges filed against him. This argument must be firmly rejected. Prosecutor Ruiz clearly showed, and the Trial Court affirmed, that Mr. Navarro actively sought to disaffiliate Local 39000 from CWA. The Trial Court's decision is well supported by evidence and must be confirmed.

For these reasons, and because a disaffiliation campaign such as this is a fundamental violation of a member's duty to CWA, the Appeals Committee

recommends that the Executive Board's decision be upheld and Mr. Navarro's appeal be denied.