

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

Plaintiff, :

-v- :

ORDER

INTERNATIONAL BROTHERHOOD OF :
TEAMSTERS, CHAUFFEURS, :
WAREHOUSEMEN AND HELPERS OF :
AMERICA, AFL-CIO, et al., :

Defendants. :

88 CIV. 4486 (DNE)

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IN RE: APPLICATION LXXXIV OF THE
INDEPENDENT ADMINISTRATOR
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EDELSTEIN, District Judge:

WHEREAS in the instant application, the Independent Administrator presented for this Court's review his decision regarding a disciplinary charge brought by the Investigations Officer against Gordon Roberts, former Trustee and Shop Steward and current member of IBT Local 843 in Springfield, New Jersey; and

WHEREAS Roberts was charged with embezzling approximately \$1,200 from IBT Local 843; and

WHEREAS the Independent Administrator found that the Investigations Officer sustained his just cause burden of demonstrating the charge against Roberts by a "fair preponderance of the evidence," see United States v. IBT, 754 F. Supp. 333, 337-38 (S.D.N.Y. 1990); and

WHEREAS the Independent Administrator permanently prohibited Roberts from holding any office in IBT Local 843 or any other IBT-affiliated entity, and imposed sanctions upon Robert's employee benefits, see United States v. IBT, 753 F. Supp. 1181 (S.D.N.Y. 1990), aff'd, 941 F.2d 1292 (2d Cir. 1991); and

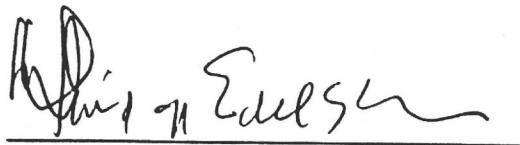
WHEREAS Roberts has not filed any objection to the Independent Administrator's application; and

WHEREAS the decision of the Independent Administrator is fully supported by the evidence and is neither arbitrary nor capricious, see United States v. IBT, No. 91-6280, slip op. at 3987, 3994 (2d Cir. May 27, 1992); United States v. IBT, 745 F. Supp. 908 (S.D.N.Y. 1990), aff'd, 941 F.2d 1292 (2d Cir. 1991), cert. denied, 112 S. Ct. 1161 (1992);

IT IS HEREBY ORDERED that the decision of the Independent Administrator is affirmed in all respects.

SO ORDERED.

Dated: August 27, 1992
New York, New York



U.S.D.J.