



**NATIONAL MEDIATION BOARD**  
WASHINGTON, DC 20572

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34 NMB No. 39

September 6, 2007

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Re: NMB File No. C-6920/Case No. R-6638  
Miami Air International, Inc.

Participants:

This determination addresses the request from the International Brotherhood of Teamsters (IBT) to transfer the certification in Case No. R-6638 from Miami Air Pilot's Association (MAPA) to IBT. For the reasons discussed below, the National Mediation Board (Board) grants the request and transfers MAPA's certification in R-6638 to IBT.

## BACKGROUND

MAPA was certified to represent the Flight Deck Crew Members on Miami Air International, Inc. (Carrier) in Case No. R-6638 (1998). 26 NMB 130 (1998) In a letter dated June 28, 2007, IBT and MAPA notified the Board of the merger of MAPA with IBT, effective June 10, 2007, and requested that the Board transfer MAPA's certification to IBT. The Board notified the Carrier of the MAPA and IBT request and gave the Carrier until July 17, 2007 to provide the Board with any comments. The Carrier did not submit any comments in this matter.

### THE MERGER OF MAPA AND IBT

Article 1, Section 6.A.(4) of MAPA's Constitution and By-laws gives MAPA's Executive Council the authority to enter into mergers. Consistent with the Merger Agreement and MAPA's Constitution and By-laws, on May 19, 2007, MAPA's Executive Counsel mailed ballots to its members regarding MAPA's proposed merger with IBT.

The MAPA Election and Ballot Certification Board tallied the ballots on June 9, 2007, and reported that a majority approved the merger, with 92 percent of the voters approving the merger and 7 percent of those voting disapproving the merger. There was one ineligible ballot.

Following the ratification vote, MAPA and IBT signed the Merger Agreement. MAPA signed on June 10, 2007, and IBT signed on June 20, 2007. The merger of the two organizations became effective "on or about June 10, 2007."

## DISCUSSION

The Railway Labor Act\* requires only that the Board investigate a transfer of certification based on a union merger, rather than mandating any procedures for such an investigation. *Continental Airlines, Inc., v. Nat'l Mediation Brd.*, 793 F. Supp. 330 (D.D.C. 1991), *aff'd mem.*, 957 F.2d 911 (D.C. Cir. 1992), *cert. denied*, 506 U.S. 827 (1992).

In most instances, the Board grants a transfer request based upon assertions contained in the request letters. *Capital Cargo Int'l Airlines, Inc.*, 37 NMB 190 (2007); *St. Lawrence & Atlantic R.R., Inc.*, 32 NMB 49 (2004); *Consolidated Rail Corp.*, 28 NMB 30 (2000); *Big Sky Transp. Co.*, 25 NMB 376 (1998); *Desert Sun Airlines*, 24 NMB 137 (1997); *Northwest Airlines*, 18 NMB 446 (1991). The Board views an organization's decision to merge into another

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\* 45 U.S.C. §151, *et seq.*

organization as an internal union matter and will grant requests for transfers of certification based on union mergers unless there is evidence of fraud or gross abuse in the merger or election. *Northwest Airlines, above*, at 448.

There is no evidence of fraud or gross abuse in the merger or election process in this case. In accordance with the Merger Agreement and MAPA's Constitution and By-laws, MAPA members approved the merger with the IBT by majority vote in a secret ballot election. Based on its investigation, the Board finds that MAPA has merged with IBT. The Board's records are revised to reflect the transfer of the certification issued to MAPA in NMB Case No. R-6638 to IBT.

By direction of the NATIONAL MEDIATION BOARD.

A handwritten signature in cursive script that reads "Mary L. Johnson".

Mary L. Johnson  
General Counsel