

'92 AUG 12 P2:40

HAWAII CIVIL RIGHTS COMMISSION

STATE OF HAWAII

In the matter of LINDA C. TSEU,	)	DR 92-006
as Executive Director, Hawaii	)	
Civil Rights Commission,	)	
	)	
Petitioner,	)	
	)	
vs.	)	
	)	
JOHN DOES 1-10, JANE DOES 1-10,	)	
DOE PARTNERSHIPS 1-10, DOE	)	
CORPORATIONS 1-10	)	
	)	
Respondents.	)	
_____	)	

ORDER REFUSING CONSIDERATION OF THE PETITION

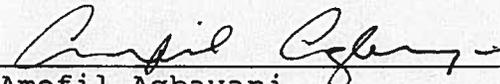
The Executive Director's Petition for Declaratory Relief seeking a declaration "as to the standards or tests to be applied in claims of employment discrimination under H.R.S. § 378-2" was filed on June 1, 1992. No actual or potential respondents were named, and particular facts giving rise to the petition were not presented.

The Petition essentially seeks a declaration as to the causation standard that the Commission will be apply in determining whether violations of Chapter 378 have occurred and the appropriate relief thereunder. While recognizing the importance of establishing a causation standard, the Commission believes that deciding the issue in this manner would be inappropriate. The Commission believes that Petitions for Declaratory Relief should be

decided in an adversarial context where both sides of an issue are presented.

Under H.A.R. § 12-46-63(a)(1), the Commission is authorized to refuse consideration of a petition if it fails to substantively conform with section 12-46-61, which requires naming potential respondents and stating with particularity the facts giving rise to the petition. Under H.A.R. § 12-46-63(a)(4), the Commission can also refuse consideration if "[t]he petition is based on hypothetical ... facts of either liability or damages." The Commission believes that adopting a causation standard would be more appropriate in the context of a proceeding or contested case where there are actual facts establishing liability and damages. For the above reasons, the Commission refuses to consider the Petition.

DATED: Honolulu, Hawaii. August 12, 1992.

  
\_\_\_\_\_  
Amefil Agbayani  
Chairperson