

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CU-01-105
)	
MICHAEL L. LAST,)	ORDER NO. 1146
)	
Complainant,)	ORDER DENYING COMPLAINANT'S
)	MOTION FOR REVIEW AND
and)	REVERSAL OF ORDER NO. 1140
)	
UNITED PUBLIC WORKERS, AFSCME,)	
LOCAL 646, AFL-CIO,)	
)	
Respondent.)	

ORDER DENYING COMPLAINANT'S MOTION
FOR REVIEW AND REVERSAL OF ORDER NO. 1140

On January 17, 1995, Complainant MICHAEL L. LAST (LAST) filed a motion for review and reversal of Order No. 1140 with the Hawaii Labor Relations Board (Board). LAST contends that the Board's order should be reversed because the Board should not have considered the affidavit of Herbert R. Takahashi, Esq., as he did not file the answer complained of; the Board should not have accepted the computer carryover explanation of Respondent and Respondent's apology was not timely nor directed to Complainant. Complainant also requests that he be given copies of relevant documents in Case Nos. CE-10-236 and CU-10-104 (consolidated).

Complainant further alleges that the fifteenth defense at issue was offered by Respondent to cause damage to LAST's reputation and credibility and that Complainant's purpose for the inclusion of the defense is to establish the alleged unethical conduct, gross negligence or incompetence of Respondent's attorney. Finally, LAST complains of insufficient postage on documents which were mailed to him by Respondent and the Board.

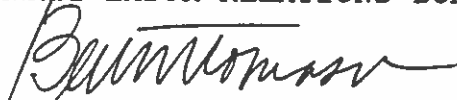
On February 2, 1995, Respondent UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW), by and through its counsel, filed a statement regarding Complainant's motion for review. Respondent states that Complainant presents no new arguments or bases upon which to reconsider the Board's prior ruling. In addition, Respondent attached a copy of correspondence to the Office of Disciplinary Counsel regarding a complaint filed by LAST.

Upon review of Complainant's arguments, the Board views the instant motion as a motion for reconsideration. After consideration of the subject motion and a review of the record in this case, the Board finds that Complainant failed to present any compelling argument or evidence to reconsider and reverse its prior ruling. The Board concludes that Complainant's arguments are without merit and hereby denies the instant motion.


With respect to Complainant's request for documents in Case Nos. CE-10-236 and CU-10-104 (consolidated), the board will provide copies to Complainant pursuant to §92-21, HRS, by separate cover.

DATED: Honolulu, Hawaii, February 3, 1995.

HAWAII LABOR RELATIONS BOARD



BERT M. TOMASU, Chairperson



RUSSELL T. HIGA, Board Member



SANDRA H. EBESU, Board Member

Copies sent to:
Michael L. Last
Herbert R. Takahashi, Esq.
Joyce Najita, IRC