

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CE-03-414
)	
LESLIE S. WACHI,)	ORDER NO. 1677
)	
Complainant,)	ORDER GRANTING RESPONDENT'S
)	MOTION FOR PARTICULARIZA-
and)	TION
)	
JEFFREY BEARMAN, District)	
Manager, Division of Boating and)	
Ocean Recreation, Department of)	
Land and Natural Resources,)	
State of Hawaii,)	
)	
Respondent.)	

ORDER GRANTING RESPONDENT'S MOTION FOR PARTICULARIZATION

On October 7, 1998, Respondent above-named, by and through his counsel, filed a motion for particularization with the Hawaii Labor Relations Board (Board). Respondent contends that Complainant failed to specify which subsections of § 89-13, Hawaii Revised Statutes (HRS), were allegedly violated. In addition, Respondent contends that Complainant failed to specify how the particular facts alleged in the complaint support a violation of § 89-13, HRS. Respondent further contends that if Complainant alleges a violation of the terms of a collective bargaining agreement, Complainant has failed to reference any specific contract provision. Thus, Respondent contends that the complaint is vague and ambiguous and he is unable to frame an answer thereto.

After reviewing the instant motion and the allegations set forth in the complaint, the Board agrees with Respondent that Complainant's allegations are vague in that no specific violations

of § 89-13, HRS, are alleged. In addition, there is no reference to any specific violation of the collective bargaining agreement. Thus, the Board finds that the complaint should be clarified in order to put Respondent on notice as to the charges being made in order that a meaningful answer may be filed. The Board therefore grants Respondent's motion and directs Complainant to particularize his complaint by specifying the provisions of § 89-13, HRS, and the provisions of the collective bargaining agreement, if any, which were allegedly violated. In addition, the Board directs Complainant to specify how the allegations in the complaint support the alleged violations of § 89-13, HRS.

The Board directs Complainant to file with the Board the original and five (5) copies of the requested particularization, with proof of service upon Respondent, no later than 4:30 p.m. of the fifth working day after service of this order. If Complainant fails to timely file and serve the Particularization, the Board shall dismiss the instant Prohibited Practice Complaint.

Respondent is directed to file with the Board, the original and five (5) copies of the Answer, with proof of service upon Complainant, no later than 4:30 p.m. of the fifth working day after service of Complainant's Particularization. The failure of Respondent to timely file its Answer shall constitute an admission of material facts alleged in the Complaint and Particularization and waiver of a hearing.

LESLIE S. WACHI and JEFFREY BEARMAN, et al.; CASE NO. CE-03-414
ORDER NO. 1677
ORDER GRANTING RESPONDENT'S MOTION FOR PARTICULARIZATION

DATED: Honolulu, Hawaii, October 13, 1998.

HAWAII LABOR RELATIONS BOARD


BERT M. TOMASU, Chairperson


RUSSELL T. HIGA, Board Member

Copies sent to:

Leslie S. Wachi
Kris N. Nakagawa, Deputy Attorney General
Joyce Najita, IRC