

STATE OF HAWAII

PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of)	
)	
HAWAII FEDERATION OF TEACHERS,)	
Local 1127,)	Case No. <u>CE-05-1</u>
)	
Petitioner,)	Decision No. <u>23</u>
)	
and)	
)	
DEPARTMENT OF EDUCATION,)	
)	
Respondent.)	
_____)	

AFFIRMATION OF HEARINGS OFFICER'S REPORT

During the hearing held on November 13, 1972, on Respondent's motion to dismiss this action for lack of prosecution, the Board's Hearings Officer dismissed the action with prejudice.

The time limit for exceptions to the Hearings Officer's Report having passed, without exceptions to the Report being filed by either party, the Report is adopted and the dismissal ordered by the Hearings Officer is affirmed.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD

By Mack H. Hamada
Mack H. Hamada, Chairman

By Carl J. Guntert
Carl J. Guntert, Board Member

By John E. Milligan
John E. Milligan, Board Member

Dated: November 29, 1972

Honolulu, Hawaii

In the Matter of)
)
HAWAII FEDERATION OF)
TEACHERS, LOCAL 1127,)
)
Petitioner,)
)
and)
)
BOARD OF EDUCATION, STATE)
OF HAWAII,)
)
Respondent.)
)

Case No. CE-05-1

Pursuant to notice duly served upon the parties herein and their attorneys, a hearing on the aforesaid motion was held before the undersigned Hearings Officer at 9:00 a.m., Monday, November 13, 1972, in the hearing room of this Board. John S. Edmunds, Esquire, appeared on behalf of the Hawaii Federation

of Teachers (hereinafter HFT); Mr. James Crane, Executive Secretary of the HFT, also was present. Robert S. Katz, Esquire, appeared for the Respondent.

The attorneys for the parties stipulated that all pertinent facts were a part of the official record in this case and that the Hearings Officer could take notice of them. Additionally, they agreed that a letter of January 7, 1972, addressed to Board Chairman, Mack H. Hamada, written by Victor J. Van Bourg, Esquire, of San Francisco, who was the sole HFT attorney of record in this matter, and a letter of February 1, 1972, to Mr. Van Bourg, from the late Ernest C. Moore, Jr., Esquire, who had represented the Respondent during said hearing, could be considered a part of such record.

Mr. Van Bourg apparently failed to notify Mr. Edmunds or Mr. Crane of service upon him of the motion to dismiss. Mr. Edmunds waived objection to the failure to be so notified.

Mr. Edmunds did not object to a dismissal being entered herein.

Accordingly, the motion filed by the Respondent, Board of Education, is hereby granted with prejudice.



Sonia Faust, Hearings Officer
and Executive Officer
Public Employment Relations Board

Dated: November 13, 1972

Honolulu, Hawaii