

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. CU-01-105
	)	
MICHAEL L. LAST,	)	ORDER NO. 1140
	)	
Complainant,	)	ORDER GRANTING UPW'S MOTION
	)	TO AMEND ANSWER TO PROHIBITED
and	)	PRACTICE COMPLAINT
	)	
UNITED PUBLIC WORKERS, AFSCME,	)	
LOCAL 646, AFL-CIO,	)	
	)	
Respondent.	)	
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ORDER GRANTING UPW'S MOTION TO AMEND  
ANSWER TO PROHIBITED PRACTICE COMPLAINT

On December 8, 1994, Respondent UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW), by and through its counsel, filed a motion to amend its answer to the prohibited practice complaint filed on November 18, 1994 with the Hawaii Labor Relations Board (Board). Counsel for Respondent, in an affidavit submitted in support of the motion, states that Respondent requests that defense number fifteen on page 4 of its answer be stricken because the defense was an inadvertent error due to a computer carryover from another case before the Board. Respondent further apologized for any confusion regarding the matter.

Thereafter, on December 15, 1994, Complainant MICHAEL L. LAST (LAST) filed a motion to deny Respondent's motion to amend answer to prohibited practice complaint. Complainant contends that Respondent wilfully and maliciously offered the defense with the knowledge that it would damage Complainant's reputation because it is contained in a public record. Complainant further alleges that

Respondent was aware of the error since December 1, 1994 and did not file a motion to amend its answer until December 8, 1994.


After reviewing the record in this case and the Board files in Case Nos. CE-10-236 and CU-10-104 (consolidated), the Board finds that the fifteenth defense at issue here is identical to the fifteenth defense submitted in Respondent's answer in that case. Moreover, the facts contained in that statement specifically relate to that case and are clearly inapplicable here. Thus, the Board concludes that the UPW inadvertently included the defense in its answer and hereby grants UPW's motion to strike the defense from its pleadings. No useful purpose will be served by including it in this case.

DATED: Honolulu, Hawaii, January 4, 1995.

HAWAII LABOR RELATIONS BOARD

  
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BERT M. TOMASU, Chairperson

  
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RUSSELL T. HIGA, Board Member

  
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SANDRA H. EBESU, Board Member

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