

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. CU-01-113
	)	
MICHAEL L. LAST,	)	ORDER NO. 1257
	)	
Complainant,	)	ORDER GRANTING RESPONDENT'S
	)	MOTION FOR PARTICULARIZATION
and	)	OF THE COMPLAINT
	)	
UNITED PUBLIC WORKERS, AFSCME,	)	
LOCAL 646, AFL-CIO,	)	
	)	
Respondent.	)	
_____	)	

ORDER GRANTING RESPONDENT'S MOTION  
FOR PARTICULARIZATION OF THE COMPLAINT

On November 8, 1995, Respondent UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW), by and through its attorney, filed a motion for particularization with the Hawaii Labor Relations Board (Board). The UPW contends that the allegations of the Complaint filed in this matter by MICHAEL L. LAST (LAST) are so vague and indefinite that Respondent cannot reasonably be required to frame an answer thereto. The UPW contends that the Complaint fails to specify dates, times, places or the actions that are being contested. In addition, the UPW contends that the Complaint fails to enumerate the basis upon which Complainant believes that the UPW violated §§ 1.07 and 1.08 of the applicable collective bargaining agreement (Contract). Further, the UPW contends that there is no § 1.08 of the Contract and § 1.07 seems inapplicable. The UPW, moreover, argues that the Complaint fails to state when and what type of information was allegedly fraudulently obtained.

After reviewing the Complaint filed in this matter, the Board agrees with Respondent that the Complaint does not specifically set forth factual allegations to which Respondent can be required to frame an answer. Thus, the Board hereby grants Respondent's Motion for Particularization of the Complaint.

Complainant shall file a Particularization of the Prohibited Practice Complaint which sets forth in separate paragraphs specific facts which state when and what type of information pertaining to Complainant which Complainant alleges was "fraudulently obtained" by Respondent. In addition, Complainant shall set forth facts which establish the manner in which the Respondent violated §§ 1.07 and 1.08 of the Contract as alleged.


The Board hereby directs the Complainant to file with this Board the original and five (5) copies of the requested particularization, with proof of service upon Respondent's counsel, no later than 4:30 p.m. of the fifth working day after service of this order. If Complainant fails to file and serve the Particularization in a timely manner, the Board may dismiss the subject 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. Failure by Respondent to file an answer in a timely manner may constitute an admission of the material facts alleged in the complaint and a waiver of a hearing.

MICHAEL L. LAST and UNITED PUBLIC WORKERS, AFSCME, LOCAL 646,  
AFL-CIO; CASE NO. CU-01-113  
ORDER NO. 1257  
ORDER GRANTING RESPONDENT'S MOTION FOR PARTICULARIZATION OF THE  
COMPLAINT

DATED: Honolulu, Hawaii, November 14, 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