

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. CE-05-443
	)	
RAUL PONCE,	)	ORDER NO. 1833
	)	
Complainant,	)	ORDER GRANTING COMPLAIN-
	)	ANT'S REQUEST TO CONTINUE
and	)	PREHEARING CONFERENCE AND
	)	HEARING; NOTICE OF HEARING
PAUL LeMAHIEU, Superintendent,	)	ON RESPONDENT'S MOTION TO
Department of Education, State	)	DISMISS AND/OR FOR SUMMARY
of Hawaii,	)	JUDGMENT
	)	
Respondent.	)	
	)	

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ORDER GRANTING COMPLAINANT'S REQUEST TO CONTINUE  
PREHEARING CONFERENCE AND HEARING; NOTICE OF HEARING ON  
RESPONDENT'S MOTION TO DISMISS AND/OR FOR SUMMARY JUDGMENT

On January 11, 2000, Complainant RAUL PONCE (PONCE) filed a request to continue the prehearing conference in this matter presently scheduled on January 18, 2000 at 9:00 a.m. with the Hawaii Labor Relations Board (Board). Complainant alleges that he is currently in hearings with the Department of Education and the union and has been unable to retain legal counsel to represent him before the Board. In addition, Complainant alleges that the transcripts of the hearings he is involved in and which he intends to use before the Board will not be ready until mid-February. Complainant thus requests that the prehearing conference be continued until mid-February 2000.

Thereafter, on January 13, 2000, Respondent, by and through his counsel, filed a Statement of No Objection to

Complainant's Request for Continuance of the Prehearing Conference and the Hearing on the Merits with the Board. Respondent's counsel states in an affidavit attached to the motion that Respondent has no objection to Complainant's request for continuance of the prehearing conference scheduled on January 18, 2000 and the hearing scheduled on January 25, 2000 but indicates that Respondent will file a dispositive motion in this matter and requests that the Board hear the motion during the first week of February 2000. Respondent further requests that the hearing on the merits be scheduled for the week of March 20, 2000.

Also on January 13, 2000, Respondent filed a Motion to Dismiss and/or for Summary Judgment with the Board. Respondent contends that the Board lacks jurisdiction over the instant complaint because it was untimely filed and further, that the Complainant failed to exhaust his contractual remedies. Alternatively, Respondent moves that the Board defer to the contractual grievance process.

Based on the foregoing, the Board hereby grants Complainant's request to continue the prehearing conference and hearing previously scheduled in this matter. Further, in view of the scheduling conflicts posed, the Board will schedule the hearing on Respondent's motion to dismiss and/or for summary judgment on March 20, 2000.

YOU ARE HEREBY NOTIFIED that pursuant to § 89-5, Hawaii Revised Statutes, and Administrative Rules § 12-42-8(g)(C), the Board will conduct a hearing on Respondent's Motion to Dismiss and/or for Summary Judgment filed on January 13, 2000 on

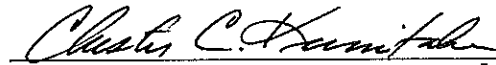
March 20, 2000 at 9:00 a.m. in the Board's hearings room, Room 434,  
830 Punchbowl Street, Honolulu, Hawaii.

DATED: Honolulu, Hawaii, January 18, 2000.

HAWAII LABOR RELATIONS BOARD



BERT M. TOMASU, Chairperson



CHESTER C. KUNITAKE, Board Member

Copies sent to:

Raul Ponce  
Maria C. Cook, Deputy Attorney General  
Joyce Najita, IRC