

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. DR-03-79
)	
LEWIS W. POE,)	ORDER NO. 1901
)	
Petitioner.)	ORDER REJECTING PETITION
)	FOR DECLARATORY RULING
_____)	

ORDER REJECTING PETITION FOR DECLARATORY RULING

On May 11, 2000, Petitioner LEWIS W. POE (POE) filed the instant Petition for Declaratory Ruling using a form furnished by the Hawaii Labor Relations Board (Board) pursuant to Administrative Rules § 12-42-9(b). Administrative Rules § 12-42-9 provides, in part, that:

(c) The petition shall contain the following:

- (1) The name, address, and telephone number of the petitioner.
- (2) A statement of the nature of the petitioner's interest, including reasons for submission of the petition.
- (3) A designation of the specific provision, rule, or order in question.
- (4) A clear and concise statement of the position or contention of the petitioner.
- (5) A memorandum of authorities, containing a full discussion of the reasons, including legal authorities, in support of such position or contention.
- (6) The signature of each petitioner.

(d) Any petition which does not conform to the foregoing requirements may be rejected.

After reviewing POE's petition, the Board finds that:

1. POE states in Paragraph 3 of the petition that "Poe is an interested person." There is no clear "statement of the

nature of the petitioner's interest," required under Administrative Rules § 12-42-9(c) (2).

2. POE states in Paragraph 3 of the petition that "Poe needs clarification on several aspects of the provisions of Ch. 89, HRS," and poses the following question: "What's the purpose of the GP (Grievance Procedure)?" The petition does not adequately explain "the reasons for the submission of the Petition," required under Administrative Rules § 12-42-9(c) (2).

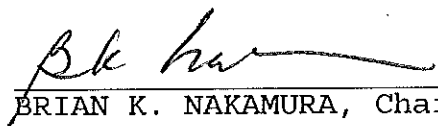
3. A reading of the petition form in its entirety, fails to provide a "clear and concise statement of the position or contention of the petitioner," required under Administrative Rules § 12-42-9(c) (4).

4. There is no "memorandum of authorities, containing a full discussion of the reasons, including legal authorities, in support of such position or contention" attached to the petition as required under Administrative Rules § 12-42-9(c) (5).

Thus, pursuant to Administrative Rules § 12-42-9(d), the Board hereby rejects POE's petition for failing to conform to the requirements outlined above. This rejection does not preclude petitioner from conforming to the requirements and submitting a new petition with the Board.

DATED: Honolulu, Hawaii, July 14, 2000.

HAWAII LABOR RELATIONS BOARD


BRIAN K. NAKAMURA, Chairperson


CHESTER C. KUNITAKE, Board Member

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KATHLEEN RACUYA-MARKRICH, Board Member

Copies sent to:

Lewis W. Poe
Joyce Najita, IRC