

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

SUSAN GRANOFF FREE,

Complainant,

and

GLENN SAKUMOTO, Human Resources
Director, Leahi Hospital, State of Hawaii and
HAWAII HEALTH SYSTEMS CORPORA-
TION,

Respondents.

CASE NO. CE-13-492

ORDER NO. 2055

ORDER GRANTING RESPONDENTS'¹
MOTION FOR PARTICULARIZATION

ORDER GRATING RESPONDENTS' MOTION FOR PARTICULARIZATION

On January 17, 2002, Respondent GLENN SAKUMOTO (SAKUMOTO) by and through his counsel, filed a Motion for Particularization with the Hawaii Labor Relations Board (Board). SAKUMOTO contends that the complaint is vague and indefinite because Complainant fails to provide specific facts regarding the alleged prohibited practice, including dates, etc. SAKUMOTO also contends that the complaint fails to identify the subsection of Hawaii Revised Statutes (HRS) § 89-13 which was allegedly violated and the term of the collective bargaining agreement involved in the grievance process which was allegedly "blocked." Respondent thus requests particularization of the complaint.

After reviewing the Complaint and considering the arguments raised, the Board agrees that the Complaint is vague because the complaint does not specify any facts regarding the underlying grievance, including any dates involved, and the specific subsection of HRS § 89-13 which was allegedly violated. The Board therefore directs Complainant to file a particularization with the Board specifying:

¹The Board joined the HAWAII HEALTH SYSTEMS CORPORATION (HHSC) as a Respondent in this case and served the HHSC with a copy of the Prohibited Practice Complaint. Hawaii Revised Statutes § 377-9. As the HHSC has reserved its right, in this motion, to defend against the instant complaint in the event HHSC is named as a respondent, the Board likewise deems the HHSC to be a movant in this motion.

- 1) the facts regarding the alleged prohibited practice, including facts identifying the underlying grievance with applicable dates and actions complained of, and
- 2) the statutory provisions allegedly violated.

The Board hereby directs Complainant to file the original and five copies of the requested Particularization, with proof of service upon Respondents, 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 requested Particularization in a timely manner, the Board shall dismiss the subject Prohibited Practice Complaint.

Respondents are directed to file with this Board the original and five copies of their Answer addressing the Particularization, 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 Respondents to file their Answer in a timely manner may constitute an admission of the material facts alleged in the Complaint and Particularization and a waiver of a hearing.

DATED: Honolulu, Hawaii, _____ January 25, 2002 _____.

HAWAII LABOR RELATIONS BOARD



BRIAN K. NAKAMURA, Chair



CHESTER C. KUNITAKE, Member



KATHLEEN RACUYA-MARKRICH, Member

Copies sent to:

Kenneth B. Hipp, Esq.
Susan Granoff Free
Joyce Najita, IRC