STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of
JOHN MUSSACK,
Complainant,

and

LANELLE HIBBS, Principal, Kailua Elementary School and DEPARTMENT OF EDUCATION, State of Hawaii,
Respondents.

CASE NO. CE-05-494
ORDER NO. 2073
ORDER GRANTING COMPLAINANT'S WITHDRAWAL OF COMPLAINT

On March 11, 2002, Complainant JOHN MUSSACK (MUSSACK), pro se, filed a Motion to Dismiss Some Cases Without Prejudice; Motion to Amend Orders Consolidating the Remaining Cases for Disposition with the Hawaii Labor Relations Board (Board). MUSSACK moved this Board to dismiss without prejudice, inter alia, the instant prohibited practice complaint relating to Respondent LANELLE HIBBS (HIBBS), Principal, Kailua Elementary School’s recommendation to terminate him allegedly in retaliation for filing his prohibited practice complaints with the Board.

Respondents HIBBS and DEPARTMENT OF EDUCATION, State of Hawaii (collectively DOE), by and through their counsel, filed their Statement of No Objections to Complainant’s Motion to Dismiss Some Cases Without Prejudice and Statement of No Objections to Complainant’s Motion to Amend Orders Consolidating Remaining Cases for Disposition on March 14, 2002.

On March 15, 2002, MUSSACK and counsel for the DOE, as well as counsel for the Hawaii State Teachers Association (HSTA) appeared before the Board for a Show Cause Hearing of Complainant’s Application for Issuance of Subpoenas filed on March 11, 2002 in Case No. CE-05-486. At the hearing, the Board agreed to consider Complainant’s Motion to Dismiss Some Cases Without Prejudice; Motion to Amend Orders Consolidating the Remaining Cases for Disposition which was scheduled for hearing on March 18, 2002.

Having advised MUSSACK that neither a dismissal without prejudice nor withdrawal of his complaints tolls the running of the statute of limitations, MUSSACK agreed to treat his motion to dismiss without prejudice as a motion to withdraw.
There being no objection by the DOE to the withdrawal of the instant complaint, the Board hereby grants Complainant's withdrawal of the complaint pursuant to Hawaii Administrative Rules § 12-42-44.

DATED: Honolulu, Hawaii, March 21, 2002

HAWAII LABOR RELATIONS BOARD

BRIAN K. NAKAMURA, Chair

CHESTER C. KUNITAKE, Member

KATHLEEN RAQUYA-MARKRICH, Member

Copies sent to:

John Mussack
Francis Paul Keeno, Deputy Attorney General
Joyce Najita, IRC