STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

SUSAN SUGARMAN FREE,

Complainant,

and

GLENN SAKUMOTO, Human Resources Director, Leahi Hospital, Hawaii Health Systems Corporation and JOYCE KISHABA, Rehab Services Manager, Leahi Hospital, Hawaii Health Systems Corporation,

Respondents.

CASE NO. CE-13-502

ORDER NO. 2094

ORDER DISMISSING PROHIBITED PRACTICE COMPLAINT

ORDER DISMISSING PROHIBITED PRACTICE COMPLAINT

On June 4, 2002, Complainant SUSAN SUGARMAN FREE (FREE) filed a prohibited practice complaint with the Hawaii Labor Relations Board (Board) against Kevin Mulligan (Mulligan), Union Agent, Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO (HGEA) in Case No. CE-13-502. FREE alleges that she is represented by Glenn Sakumoto, Director of Human Resources, Leahi Hospital (Sakumoto) and Joyce Kishaba, Director of Rehabilitation, Leahi Hospital (Kishaba) and, <u>inter alia</u>, that "Glenn Sakumoto and Joyce Kishaba blocked HGEA Grievance from going to Step III."¹

Previously, on May 30, 2002, in Order No. 2090, the Board dismissed a complaint filed by FREE, with prejudice, in Case No. CE-13-497² against Sakumoto and

¹Despite FREE's naming Mulligan as the Respondent on the complaint form, the substance of the allegations clearly indicate that FREE intended Sakumoto and Kishaba to be Respondents in this case as the allegations refer to them and there are no corresponding allegations charging Mulligan or the HGEA with a prohibited practice. Therefore, the Board will treat FREE's complaint as naming Sakumoto and Kishaba as Respondents.

²The complaint in Case No. CE-13-497 is substantially identical to FREE's complaint in Case No. CE-13-492 filed on January 8, 2002 where FREE alleged that Sakumoto "was blocking greivance (sic) process." The Board dismissed the complaint in Case No. CE-13-492 in Order No. 2058, dated February 7, 2002 for failing to file a particularization of her complaint as ordered by the Board.

Kishaba because FREE failed to appear at a show cause hearing. In that complaint, FREE alleged, inter alia, that Sakumoto was "stopping the legal process and grievance process."

The Board's procedural rule, Hawaii Administrative Rules (HAR) § 12-42-42(f), provides:

Only one complaint shall issue against a party with respect to a single controversy.

As the instant complaint is substantially identical with the complaint filed in Case No. CE-13-497 which was dismissed with prejudice, the Board hereby dismisses the instant complaint pursuant to HAR § 12-42-42(f).

DATED: Honolulu, Hawaii, _____ June 12, 2002

HAWAII LABOR RELATIONS BOARD

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BRIAN K. NAKAMURA, Chair

Clush Od

CHESTER C. KUNITAKE, Member

KATHLEEN BACUYA-MARKRICH, Member

Copies sent to:

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Susan Sugarman Free Glenn Sakumoto Joyce Kishaba Kenneth B. Hipp, Esq. Joyce Najita, IRC