

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of  
LEWIS W. POE,

Complainant,

and

HAWAII GOVERNMENT EMPLOYEES  
ASSOCIATION, AFSCME, LOCAL 152,  
AFL-CIO,

Respondent.

CASE NO. CU-03-188

ORDER NO. 2101

ORDER DENYING COMPLAINANT'S  
MOTION FOR CLARIFICATION

ORDER DENYING COMPLAINANT'S MOTION FOR CLARIFICATION

On June 18, 2002, the Hawaii Labor Relations Board (Board or HLRB) issued Decision No. 435 dismissing the instant prohibited practice complaint. On June 28, 2002, Complainant LEWIS W. POE (POE) filed a Motion for Clarification of Decision No. 435 with Respect to the Threshold Issue with the Board because "it appears that the HLRB has violated the provisions of HRS § 377-9(d) and/or abused its discretion or acted arbitrarily." In his Memorandum in Support of Motion, POE, inter alia, complains that the Board relied upon incorrect definitions or otherwise misused phrases; questions the basis for a specific finding of fact; and suggests that the Board has some improper motive and appears "to want to prevent Poe's efforts in engaging in lawful activity, which activity will benefit all BU 03 employees." POE also contends that the Board has not clearly ruled on the threshold issue and as a result of the vagueness of its determination, the Board is in violation of HRS § 377-9(d).

Thereafter, on July 8, 2002, Respondent filed a memorandum in opposition to Complainant's motion contending that the motion is not provided for by the Board's Administrative Rules. Respondent argues that while POE cites to Hawaii Administrative Rules (HAR) § 12-42-8(g)(3)(C), the rules does not provide POE with the right to apply for clarification of the Board's orders. As such, Respondent contends that POE lacks standing to present a Motion for Clarification and the Board lacks jurisdiction to hear such a motion.

In considering the Complainant's arguments, the Board views the instant motion as an improper attack on the Board's decision rather than an attempt to clarify the "threshold issue." The points which POE relies upon are more properly raised in another forum. In reviewing Decision No. 435, the Board finds its decision is clear in setting forth

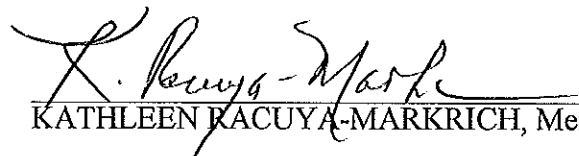
the issue in this case and the basis for its ruling. The decision is not vague in its determination and the accordingly, the Board denies the instant motion.

DATED: Honolulu, Hawaii, July 19, 2002

HAWAII LABOR RELATIONS BOARD

  
BRIAN K. NAKAMURA, Chair

  
CHESTER C. KUNITAKE, Member

  
KATHLEEN KACUYA-MARKRICH, Member

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