

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)
LINA BELEN,)
Complainant,)
and)
DEPARTMENT OF PARKS AND)
RECREATION, City and County of Honolulu,)
Respondent.)

CASE NO. CE-01-587
ORDER NO. 2300
ORDER GRANTING, RESPONDENT'S
MOTION FOR PARTICULARIZATION
OF COMPLAINT, FILED ON DECEMBER
21, 2004

ORDER GRANTING, RESPONDENT'S MOTION FOR
PARTICULARIZATION OF COMPLAINT, FILED ON DECEMBER 21, 2004

On December 21, 2004, the above-named Respondent, by and through its counsel, filed a Motion for Particularization of the Complaint with the Hawaii Labor Relations Board (Board). Respondent contends that Complainant failed to provide the sections of Hawaii Revised Statutes (HRS) § 89-13 which are alleged to have been violated or the facts supporting the complaint. Respondent therefore contends that the complaint is vague and indefinite and it cannot reasonably be expected to frame an answer without further particularization.

After reviewing the complaint and the arguments raised, the Board finds that the complaint is vague in that Complainant fails to specify which sections of HRS § 89-13 were violated and how the Respondent committed any alleged prohibited practices. The Board therefore grants Respondent's motion, and directs Complainant to file a particularization of the complaint with the Board setting forth the statutory provisions allegedly violated as well as the facts simply detailing the manner in which the Respondent is alleged to have committed the instant prohibited practices.

The Board hereby directs Complainant to file the original and five copies of the requested Particularization, with proof of service upon all Respondent, 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.

The Respondent is also directed to file with this Board the original and five copies of its Answer addressing the Complaint and 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 the Respondent to file its 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 4, 2005

HAWAII LABOR RELATIONS BOARD


BRIAN K. NAKAMURA, Chair


CHESTER C. KUNITAKE, Member


KATHLEEN RACUYA-MARKRICH, Member

Copies sent to:

Florencio C. Baguio, Jr., Deputy Corporation Counsel
Lina Belen
Joyce Najita, IRC