STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of) CASE NO. CE-01-587
LINA BELEN,	ORDER NO. 2303
Complainant,	ORDER DISMISSING PROHIBITED PRACTICE COMPLAINT
and	
DEPARTMENT OF PARKS AND RECREATION, City and County of Honolulu,	
Respondent.)))

ORDER DISMISSING PROHIBITED PRACTICE COMPLAINT

On January 4, 2005, the Hawaii Labor Relations Board (Board) issued Order No. 2300, Order Granting Respondent's Motion for Particularization of Complaint, Filed on December 21, 2004. The Board found that the instant complaint was vague because Complainant failed to specify which sections of Hawaii Revised Statutes (HRS) § 89-13 were violated and how the Respondent committed any alleged prohibited practices. The Board therefore granted Respondent's motion and directed Complainant to "file a particularization of the complaint 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 directed Complainant to file the original and five copies of the Particularization, with proof of service upon Respondent, no later than 4:30 p.m. of the fifth working day after service of this Order. The Board's order further stated, "[i]f Complainant failed to file and serve the requested Particularization in a timely manner, the Board shall dismiss the subject Prohibited Practice Complaint."

According to the return receipt for Order No. 2300, Complainant received the Order on January 7, 2005 and any Particularization should have been filed with the Board by 4:30 p.m. on January 14, 2005. Nothing more has been filed with the Board.

Hawaii Administrative Rules § 12-42-45(b) provides in part:

If the charge is believed by a respondent to be so vague and indefinite that the respondent cannot reasonably be required to frame an answer thereto, such respondent may, within five days after service of the complaint, file with the board a motion for particularization of the complaint, requesting that the complainant file a statement supplying specific information. If the board grants such motion, the complainant shall file with the board the original and five copies of the requested particularization, with certificate of service on all parties, within five days after service of the board's granting order, unless the board directs otherwise. If the complainant fails to timely file and serve the particularization, the board shall dismiss the complaint. . . .

As Complainant has failed to timely file the Particularization as directed by the Board in Order No. 2300, the Board hereby dismisses this complaint pursuant to HAR § 12-42-45.

DATED: Honolulu, Hawaii,	January	31.	2005	
DILL DID, LIGHTHIA, LIGHTHIA	,			

HAWAII LABOR RELATIONS BOARD

BRIAN K. NAKAMURA, Chair

CHESTER C. KUNITAKE, Member

KATHLEEN RACUYA-MARKRICH, Member

Copies sent to:

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