

STATE OF HAWAII
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of)	Case Nos.	<u>SF-02-62</u>
)		<u>SF-03-63</u>
HAWAII GOVERNMENT EMPLOYEES')		<u>SF-04-64</u>
ASSOCIATION, LOCAL 152,)		<u>SF-06-65</u>
AFSCME, AFL-CIO,)		<u>SF-08-66</u>
)		<u>SF-13-67</u>
Petitioner.)	Order No.	<u>237</u>
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ORDER DENYING MOTION TO RECONSIDER
THE DENIAL OF INTERVENTION

On November 20, 1978, Valerie M. Godley filed a petition for intervention in the above-referenced case on behalf of herself and all others similarly situated.

In Order No. 222 dated January 10, 1979, the Board denied the intervention petition of Ms. Godley because her right to intervene was questionable and she failed to appear at either the prehearing or hearing after adequate, timely notice was published in the Honolulu Advertiser and Honolulu Star-Bulletin.

On January 18, 1979, Valerie Godley's attorney filed a motion to reconsider the order denying the petition to intervene. In his affidavit in support of the motion and at the hearing on the motion, Ms. Godley's attorney stated that at the time of the hearing on the merits of the above-entitled case, Ms. Godley was convalescing from an illness and without legal representation so that neither she nor an attorney was able to attend the hearing. At the hearing on this motion, Ms. Godley's attorney also stated that if granted intervention, Ms. Godley would not request a rehearing on the merits of the above-referenced case and that she wished to intervene solely to be able to appeal the Board's decision.

Although the hearing on this motion was continued on two occasions to enable Ms. Godley to appear and present evidence justifying the reconsideration of the denial of intervention, Ms. Godley has failed to appear. Her counsel presented evidence that she has been unable to attend the hearing on the motion because of illness.

The Board appreciates that Ms. Godley, due to illness, has been unable to participate in the proceedings in this case. However, in view of the statements by her counsel that if Ms. Godley is permitted to intervene, she will not request a rehearing on the merits of the case, the Board has concluded that Ms. Godley has failed to prove she has any legal reason to justify our reconsideration of the denial of her intervention. Ms. Godley's intervention without her participation will have no effect on the development of the case before the Board. The Board is of the opinion that Ms. Godley has no right, statutory or otherwise, or any legally assertable interest sufficient to require that she be granted intervenor status in this proceeding.

Accordingly, Ms. Godley's motion for reconsideration of denial of intervention is hereby denied.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD


Mack H. Hamada, Chairman


John E. Milligan, Board Member

Dated: March 15, 1979

Honolulu, Hawaii