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STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

NICOLENE M. GEGA-CHANG,

Complainant,

and

HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO; WILLIAM CHAI, Union Agent, Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO; PETER YOUNG, Chair, Department of Land and Natural Resources, State of Hawaii; and BUREAU OF CONVEYANCES, Department of Land and Natural Resources, State of Hawaii,

Respondents.

CASE NOS.: CU-04-253  
CE-04-633

ORDER NO. 2414

ORDER DISMISSING PROHIBITED PRACTICE COMPLAINT FILED ON NOVEMBER 27, 2006

ORDER DISMISSING PROHIBITED PRACTICE COMPLAINT FILED ON NOVEMBER 27, 2006

On November 27, 2006, Complainant filed a Prohibited Practice Complaint ("Complaint") against Respondents. On December 4, 2006, the HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO and WILLIAM CHAI, Union Agent (collectively "HGEA/AFSCME") filed their Motion to Dismiss Complaint<sup>1</sup> Filed on November 27, 2006, or in the Alternative HGEA/AFSCME's Motion for Particularization of the Complaint Filed on November 27, 2006. On December 5, 2006, PETER YOUNG and the BUREAU OF CONVEYANCES

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<sup>1</sup>The HGEA/AFSCME argued the Complaint failed to state a claim upon which relief can be granted, and that the Board lacked jurisdiction; in the alternative, the HGEA/AFSCME moved the Board to order particularization of the Complaint.

(collectively "State Respondents") filed their Motion to Dismiss the Complaint.<sup>2</sup> Complainant did not file a response to HGEA/AFSCME's motion or the State Respondents' motion.

The motions were heard by the Board on January 9, 2007, at 10:30 a.m. in the Board's hearing room at 830 Punchbowl Street, Room 434, Honolulu, Hawaii, 96813. Peter Liholiho Trask represented the HGEA/AFSCME and David Fitzpatrick, Deputy Attorney General, represented the State Respondents; Complainant did not attend the hearing on the motions.

On January 9, 2007, the Board issued its Order No. 2410, Order Denying HGEA/AFSCME's Motion to Dismiss Complaint Filed on November 27, 2006, Denying State Respondents' Motion to Dismiss, and Granting HGEA/AFSCME's Motion for Particularization of the Complaint Filed on November 27, 2006 ("Order for Particularization"). The Board found the Complaint and its attachment to be so vague and indefinite that Respondents could not reasonably be required to frame an answer thereto, and ordered "Complainant to file the original and five copies of a particularization with the Board by January 19, 2007, with certificate of service on all parties, specifying in detail the particular alleged violation by the respective Respondent, including the subsection or subsections of the HRS § 89-13, alleged to have been violated, and a complete statement of facts supporting the Complaint, including specific facts as to names, dates, times, and places involved in the acts alleged to be improper. Failure to file such particularization with the Board by January 19, 2007, will result in dismissal of the Complaint."

Complainant did not file her particularization of the Complaint as required by the Board's Order for Particularization, nor any other document responsive to the Board's Order for Particularization by the close of business January 19, 2007. Accordingly, the Board hereby orders that the instant Prohibited Practice Complaint be dismissed.

#### ORDER

The Board hereby orders that the instant Prohibited Practice Complaint be dismissed.

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<sup>2</sup>State Respondents argued that the Complaint failed to state facts constituting an alleged prohibited practice, failed to identify the specific statutes which are alleged to have been violated, failed to state a claim for which relief may be granted, that venue was improper, and that Complaint was untimely, and that Complainant failed to exhaust contractual remedies available under the collective bargaining agreement.

NICOLENE M. GEGA-CHANG v. HAWAII GOVERNMENT EMPLOYEES ASSOCIATION,  
AFSCME, LOCAL 152, AFL-CIO; et al.  
CASE NOS.: CU-04-253, CE-04-633  
ORDER NO. 2414  
ORDER DISMISSING PROHIBITED PRACTICE COMPLAINT FILED ON NOVEMBER 27,  
2006

DATED: Honolulu, Hawaii, January 24, 2007

HAWAII LABOR RELATIONS BOARD

  
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BRIAN K. NAKAMURA, Chair

  
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EMORY J. SPRINGER, Member

  
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SARAH R. HIRAKAMI, Member

Copies sent to:

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Peter Liholiho Trask, Esq.  
David Fitzpatrick, Deputy Attorney General  
Joyce Najita, IRC