

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

HECTOR E. MALDONADO,

Complainant,

and

MICHAEL HOFFMAN, Institutions Division
Administrator, Department of Public Safety,
State of Hawaii,

Respondent.

CASE NO. CE-03-774

ORDER NO. 2754

ORDER GRANTING RESPONDENT
MICHAEL HOFFMAN'S MOTION FOR
PARTICULARIZATION OF THE
COMPLAINT, FILED ON DECEMBER
7, 2010

ORDER GRANTING RESPONDENT MICHAEL HOFFMAN'S MOTION FOR
PARTICULARIZATION OF THE COMPLAINT, FILED ON DECEMBER 7, 2010

On November 29, 2010, Complainant HECTOR E. MALDONADO (Complainant or MALDONADO) filed a Prohibited Practice Complaint (Complaint) with the Hawaii Labor Relations Board (Board) against the above-named Respondent.

On December 7, 2010, Respondent MICHAEL HOFFMAN, Institutions Division Administrator, Department of Public Safety, State of Hawaii (Respondent or HOFFMAN), by and through his counsel, filed a Motion for Particularization of the Complaint contending that the Complainant failed to specify what subsection of Hawaii Revised Statutes (HRS) § 89-13 was alleged to have been violated and how the section was violated. Thus, Respondent is unable to respond to the Complaint and set forth his defenses.

Hawaii Administrative Rules (HAR) § 12-42-42(b) provides that a prohibited practice complaint shall be prepared on a form furnished by the Board. The Board's form requires a complainant to specify in detail the particular alleged violation, including the subsection or subsections of HRS § 89-13 alleged to have been violated, together with a complete statement of the facts supporting the complaint, including specific facts as to names, dates, times, and places involved in the acts alleged to be improper.

After reviewing the Complaint filed in this case, the Board agrees with the Respondent that the Complainant fails to specifically allege which subsection of HRS § 89-13 was violated and how the subsection was violated, and thus fails to provide a complete statement of facts supporting the Complaint. Accordingly, the Board hereby

orders Complainant to file with the Board a particularized statement of his Complaint, setting forth which provisions of HRS § 89-13 were violated and in what manner. The Particularization must include a complete statement of the facts supporting the Complaint, including specific facts as to names, dates, times, and places involved in the acts alleged to be improper.

The original plus five copies of the Particularization, with certificate of service on all parties, must be filed with the Board within five days after service of this Order. If Complainant fails to timely file and serve the Particularization, the Board shall dismiss the Complaint.

Within five days after service of the Particularization, Respondent shall file with the Board the original plus five copies of their answer, with certificate of service on all parties. Failure of Respondent to timely file and serve an answer may constitute an admission of the material facts alleged in the Complaint, and a waiver of a hearing.

DATED: Honolulu, Hawaii, December 20, 2010.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



SARAH R. HIRAKAMI, Member



NORMAN K. KATO II, Member

Copies sent to:

Jeffrey M. Taylor, Esq.
Michael Hoffman, PSD
Jeffrey Keating, Deputy Attorney General