

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of

BRONSYN T. LEE,

Complainant,

and

UNITED PUBLIC WORKERS, AFSCME,  
LOCAL 646, AFL-CIO,

Respondent.

CASE NO. CU-01-309

ORDER NO. 2826

ORDER GRANTING RESPONDENT'S  
MOTION TO DISMISS COMPLAINT,  
AND IN THE ALTERNATIVE, FOR  
SUMMARY JUDGMENT, FILED ON  
NOVEMBER 23, 2011

ORDER GRANTING RESPONDENT'S MOTION TO  
DISMISS COMPLAINT, AND IN THE ALTERNATIVE,  
FOR SUMMARY JUDGMENT, FILED ON NOVEMBER 23, 2011

On November 14, 2011, Complainant BRONSYN T. LEE (Complainant), *pro se*, filed a Prohibited Practice Complaint (Complaint) against Respondent UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (Respondent) with the Hawaii Labor Relations Board (Board). Complainant alleged, *inter alia*, Respondent violated Article 15 of the Unit 01 collective bargaining agreement and Hawaii Revised Statutes (HRS) § 89-13(b)(5) by failing to represent him in his grievances regarding the extension of his probationary period retaliation for reporting the falsification of time sheets, threats of workplace violence and hostile work environment, and termination.

On November 23, 2011, Respondent filed a Motion to Dismiss Complaint and in the Alternative, for Summary Judgment, asserting a lack of jurisdiction, failure to state a claim for relief, and alternatively, that there are no material facts in dispute and Respondent is entitled to judgment as a matter of law.

At the prehearing/settlement conference held in this matter on December 13, 2011, Complainant's representative, Robert Lee, indicated that Complainant did not oppose the Respondent's Motion to Dismiss Complaint and in the Alternative, for Summary Judgment, filed on November 23, 2011. Respondent's counsel agreed that the dismissal of the instant Complaint would be without prejudice to any future claims against Respondent regarding any decision to arbitrate Complainant's grievance.

Based on the foregoing and for good cause shown, the Board hereby grants Respondent's Motion to Dismiss Complaint and in the Alternative, for Summary Judgment, without prejudice to any future claims arising against the Respondent.

DATED: Honolulu, Hawaii, December 14, 2011.

HAWAII LABOR RELATIONS BOARD



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JAMES B. NICHOLSON, Chair

*Sesnita A. D. Moepono*  
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SESNITA A.D. MOEPONO, Member

*Rock B. Ley*  
\_\_\_\_\_  
ROCK B. LEY, Member

Copies sent to:

Bronsyn T. Lee  
Herbert R. Takahashi, Esq.