

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

GERALD NAKAMOTO,

Complainant,

and

DEPARTMENT OF DEFENSE, State of
Hawaii; BRIAN CREMER, Business Agent,
United Public Workers, AFSCME, Local
646, AFL-CIO and UNITED PUBLIC
WORKERS, AFSCME, LOCAL 646, AFL-
CIO,

Respondent.

CASE NOS.: CE-10-802
CU-10-315

ORDER NO. 2849

ORDER GRANTING RESPONDENT
STATE OF HAWAII, DEPARTMENT
OF DEFENSE'S MOTION FOR LEAVE
TO AMEND ANSWER TO
PROHIBITED PRACTICE
COMPLAINT, FILED ON MAY 16,
2012

ORDER GRANTING RESPONDENT STATE OF HAWAII,
DEPARTMENT OF DEFENSE'S MOTION FOR LEAVE TO AMEND
ANSWER TO PROHIBITED PRACTICE COMPLAINT, FILED ON MAY 16, 2012

On May 16, 2012, Respondent DEPARTMENT OF DEFENSE, State of Hawaii (Respondent or DOD), by and through its counsel, filed a Motion for Leave to Amend Answer to Prohibited Practice Complaint with the Hawaii Labor Relations Board (Board). Respondent requests the Board to grant it leave to amend its answer and contends, *inter alia*, that Hawaii Administrative Rules (HAR) § 12-42-45 allows a respondent to amend its answer "for good cause shown at any time before or during the hearing"; that Respondent seeks to comply with the requirements of HAR § 12-42-45 which states, in part, that an answer shall contain an admission, denial or explanation of each allegation of the complaint or a statement that respondent is without knowledge thereof, as well as any affirmative defenses; and that Respondent's counsel did not become aware of the instant complaint until after the answer prepared by the DOD was filed on May 14, 2012.

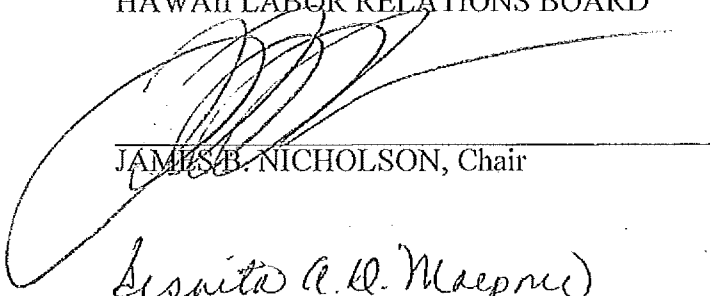
Complainant did not file a response to the instant motion with the Board.

Based upon a review of the record, the Board finds that the answer filed by the DOD on May 14, 2012 does not contain admissions or denials to the allegations in the complaint or affirmative defenses. Accordingly, the Board finds good cause to grant Respondent DOD's motion for leave to amend its answer in this case pursuant to HAR § 12-42-45(f).

Respondent DOD shall immediately file with the Board the original and five copies of its Amended Answer to the Prohibited Practice Complaint, as attached to its Motion for Leave to Amend Answer to Prohibited Practice Complaint, filed on May 16, 2012, with certificate of service attached.

DATED: Honolulu, Hawaii, May 24, 2012

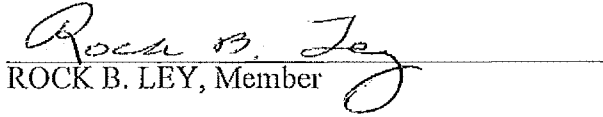
HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



SESNITA A.D. MOEPONO, Member



ROCK B. LEY, Member

Copies sent to:

Anne Marie Puglisi, Deputy Attorney General
Gerald Nakamoto
Herbert R. Takahashi, Esq.