

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

UNIVERSITY OF HAWAII
PROFESSIONAL ASSEMBLY,

Complainant,

and

BOARD OF REGENTS, University of
Hawaii, State of Hawaii and NEIL
ABERCROMBIE, Governor, State of Hawaii,

Respondent.

CASE NO. CE-07-826

ORDER NO. 2946

ORDER GRANTING MOTION TO
WITHDRAW PROHIBITED PRACTICE
COMPLAINT

ORDER GRANTING MOTION TO
WITHDRAW PROHIBITED PRACTICE COMPLAINT

On October 15, 2013, the UNIVERSITY OF HAWAII PROFESSIONAL ASSEMBLY (UHPA) by and through its attorneys Gill, Zukeran and Sgan, filed a MOTION TO WITHDRAW PROHIBITED PRACTICE COMPLAINT without prejudice with the Hawaii Labor Relations Board (Board), pursuant to Hawaii Administrative Rules (HAR) § 12-42-8 and 12-42-44.

On October 16, 2013, Respondent NEIL ABERCROMBIE, Governor, State of Hawaii (Respondent Abercrombie), by and through his attorneys David M. Louie, Attorney General, State of Hawaii, and Maria Cook, Deputy Attorney General, filed RESPONDENT NEIL ABERCROMBIE'S STATEMENT OF NO OPPOSITION TO COMPLAINANT'S MOTION TO WITHDRAW PROHIBITED PRACTICE COMPLAINT FILED ON JUNE 20, 2013, which states in part that Respondent Abercrombie has no objection to the withdrawal "insofar as Complainant seeks withdrawal of its own complaint. Respondent Abercrombie, however, requests that the complaint be dismissed with prejudice in keeping with the Board's practice. Alternatively, if the dismissal is without prejudice, Respondent Abercrombie is not waiving any defenses including timeliness if Complainant were later to re-file the complaint or pursue [sic] a grievance."

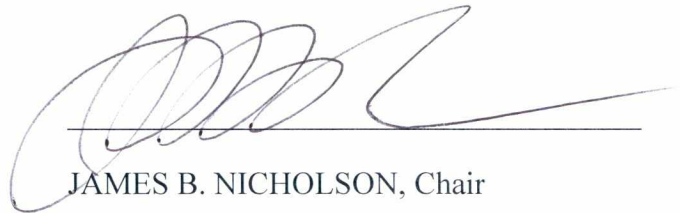
On October 18, 2013, Respondent BOARD OF REGENTS, University of Hawaii, State of Hawaii (BOR) by and through its attorneys Torkildson, Katz, Moore, Hetherington & Harris, filed RESPONDENT BOARD OF REGENTS' STATEMENT OF NO OPPOSITION TO WITHDRAWAL OF PROHIBITED PRACTICE COMPLAINT WITH PREJUDICE, which states in part that the BOR has no objection to the withdrawal, "insofar as Complainant seeks

withdrawal of its own complaint. Respondent BOR, however, requests that the complaint be dismissed with prejudice in keeping with the Board's standard practice under Title 12, Section 12-42-44 of the Board's Rules and Regulations and that any withdrawal Order issued by the Board state that the withdrawal shall not constitute a waiver of any defenses including timeliness if Complainant were later to re-file the PPC or pursue a grievance."

HAR § 12-42-44 provides that any complaint may be withdrawn at any time prior to the issuance of a final order thereon, upon motion and with the consent of the Board. Based upon a review of the record and consideration of the instant motion and the responses thereto, the Board finds no basis upon which to grant Complainant UHPA's motion to withdraw its complaint filed on June 20, 2013, without prejudice. Accordingly, the Board in its discretion grants the withdrawal of the instant Complaint with prejudice. This case is closed.

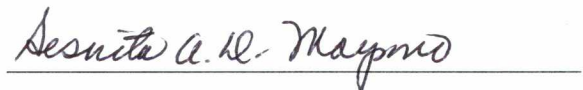
DATED: Honolulu, Hawaii October 22, 2013.

HAWAII LABOR RELATIONS BOARD



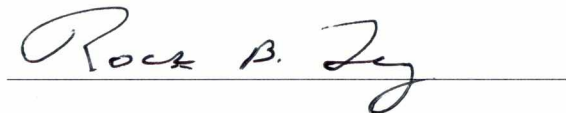
A handwritten signature in black ink, appearing to read 'James B. Nicholson', is written over a horizontal line.

JAMES B. NICHOLSON, Chair



A handwritten signature in black ink, appearing to read 'Sesnita A.D. Moepono', is written over a horizontal line.

SESNITA A.D. MOEPONO, Member



A handwritten signature in black ink, appearing to read 'Rock B. Ley', is written over a horizontal line.

ROCK B. LEY, Member

Copies sent to:

David A. Sgan, Esq.
Robert S. Katz, Esq.
Maria Cook, Deputy Attorney General

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Order Granting Motion to Withdraw Prohibited Practice Complaint