

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

GLENN PHILHOWER,

Complainant,

and

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

Respondent.

CASE NO. CU-10-329

ORDER NO. 3018

ORDER GRANTING STIPULATION TO
WITHDRAW COMPLAINT WITH
PREJUDICE AND EACH PARTY TO PAY
HIS (OR ITS) OWN FEES AND COSTS

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On August 20, 2014, Complainant GLENN PHILHOWER (Complainant) filed a Prohibited Practice Complaint (Complaint) against Respondent UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (Respondent).

On September 17, 2014, the parties filed a Stipulation to Withdraw Complaint with Prejudice and Each Party to Pay His (or Its) Own Fees and Costs (Stipulation to Withdraw). The Stipulation to Withdraw cited to Hawaii Administrative Rules (HAR) § 12-42-44, and was signed by each party's counsel.

On September 17, 2014, Respondent filed UPW's Motion to Approve Withdrawal of Complainant [sic] with Prejudice.

HAR § 12-42-44 provides:

Any complaint may be withdrawn at any time prior to the issuance of a final order thereon, upon motion and with the consent of the board. Whenever the board approves withdrawal of such complaint, the case shall be closed.

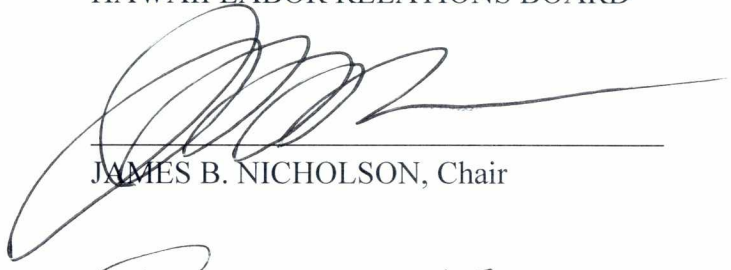
Additionally, pursuant to Hawaii Revised Statutes (HRS) § 91-9(d), "[a]ny procedure in a contested case may be modified or waived by stipulation of the parties and informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default."

Pursuant to HAR § 12-42-44 and HRS § 91-9(d), the parties' Stipulation to Withdraw IS HEREBY GRANTED. Accordingly, Respondent's Motion to Approve Withdrawal of Complainant with Prejudice is denied as moot.

Pursuant to HAR § 12-42-44, THIS CASE IS NOW CLOSED.

DATED: Honolulu, Hawaii September 23, 2014.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



ROCK B. LEY, Member

Copies sent to:

Robert K. Kawamura, Esq.
Herbert R. Takahashi, Esq.