

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

HAWAII STATE TEACHERS
ASSOCIATION,

Complainant,

and

JENNIFER KEHE, Personnel
Specialist, Department of Education,
State of Hawaii,

Respondent.

CASE NO. CE-05-677

ORDER NO. 3025

ORDER GRANTING IN PART AND
DENYING IN PART MOTION TO
WITHDRAW COMPLAINT WITHOUT
PREJUDICE

ORDER GRANTING IN PART AND DENYING IN PART
MOTION TO WITHDRAW COMPLAINT WITHOUT PREJUDICE

On August 20, 2014, HAWAII STATE TEACHERS ASSOCIATION (Complainant), by and through its attorneys, filed a MOTION TO WITHDRAW COMPLAINT WITHOUT PREJUDICE (Motion) with the Hawaii Labor Relations Board (Board), pursuant to Hawaii Administrative Rules (HAR) §§ 12-42-8 (g)(3). Declaration of Susan Bitler (Bitler) was attached to the Motion. Bitler stated: "Since the complaint was filed the Grievance of O-08-22 was resolved between the parties. Therefore the need to pursue the above-entitled matter to obtain compliance with the request for information is no longer necessary for this grievance."

On August 25, 2014, JENNIFER KEHE, (Respondent) by and through her attorneys, filed RESPONDENT'S RESPONSE TO HSTA'S MOTION TO WITHDRAW COMPLAINT WITHOUT PREJUDICE (Response). Respondent's Response stated:

The Respondent does not object to the HSTA motion to withdraw complaint, however Respondent requests that the withdrawal of the complaint be 'with prejudice' as opposed to 'without prejudice'.

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Since the information request grievance has been resolved between the parties, the complaint should be withdrawn with prejudice, i.e. the case closed with finality.

On September 2, 2014, Complainant filed its FIRST SUPPLEMENT IN SUPPORT OF HSTA'S MOTION TO WITHDRAW COMPLAINT WITHOUT PREJUDICE. Complainant stated: "As the underlying issue of holiday pay may arise in the future for which HSTA may either grieve or pursue a prohibited practice, the withdrawal of this specific matter, CE-05-677, should be without prejudice as to any new occurrences related to holidays."

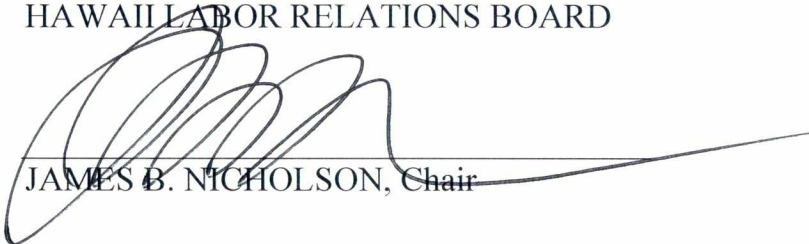
HAR § 12-42-44 provides that, "Any complaint may be withdrawn at any time prior to the issuance of a final decision and order thereon, upon motion and consent of the Board. Whenever the board approves withdrawal of such complaint, the case shall be closed." Based on a review of the record and consideration of the instant motion, the Board GRANTS IN PART and DENIES IN PART the withdrawal of the instant Complaint without prejudice.

ORDER

The Board HEREBY ORDERS that the instant case is withdrawn with prejudice and the case is closed.

DATED: Honolulu, Hawaii, October 7, 2014.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



SESNITA A.D. MOEPONO, Member



ROCK B. LEY, Member

Copies sent to:

Rebecca Covert, Esq.
Jeffrey Keating, Deputy Attorney General