



EFiled: Dec 01 2014 01:00PM HAST
Transaction ID 56403844
Case No. CE-01-715

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

United Public Workers, AFSCME, Local
646, AFL-CIO, Union,

Complainant,
and

Linda Lingle, Governor, State of Hawaii;
Marie Laderta, Director, Department of
Human Resources Development, State of
Hawaii,

Respondents.

CASE NO. CE-01-715a
CE-10-715b

ORDER NO. 3035

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

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

On November 12, 2014, the United Public Workers, AFSCME, Local 646, AFL-CIO, (Complainant, UPW), by and through its attorney Herbert R, Takahashi Esq., filed UPW'S 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) & § 12-42-44.

On November 14, 2014, LINDA LINGLE and MARIE LADERTA (Respondents), by and through their attorneys, filed RESPONDENTS' RESPONSE TO UPW'S MOTION TO WITHDRAW COMPLAINT WITHOUT PREJUDICE (Response). Respondents' Response stated:

The Respondents do not object to the UPW motion to withdraw complaint, however the Respondents request that the withdrawal of the complaint be "with prejudice" as opposed to "without prejudice."

UPW counsel submitted an affidavit stating in relevant part, "The UPW seeks to withdraw the complaint without prejudice because the claims referred to in the complaint have been rendered moot. The parties have since negotiated

collective bargaining agreements for bargaining units 1 and 10 for the relevant period.”

Since the claims in the complaint have been rendered moot, the complaint should be withdrawn with prejudice, i.e., the case closed with finality.

HAR § 12-42-44 provides that “Any complaint may be withdrawn at any time prior to the issuance of a final decision and order thereon, upon motion and consent of the board.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 and the response thereto, the Board GRANTS IN PART and DENIES IN PART the withdrawal of the instant Complaint, with prejudice.

ORDER

The Board HEREBY ORDERS that the instant case is withdrawn with prejudice and the case is closed.

DATED: Honolulu, Hawaii, _____ December 1, 2014 _____.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



SESNITA A.D. MOEPONO, Member

Copies sent to:

Herbert R. Takahashi, Esq.
Jeffrey A. Keating, Deputy Attorney General