



STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

EFiled: Jul 30 2015 09:57AM HAST
Transaction ID 57632588
Case No. CU-05-302

In the Matter of

SHANYE N. VALEHO-NOVIKOFF,

Complainant,

and

WILFRED OKABE, President, Hawaii State
Teachers Association; WILBERT HOLCK,
UniServ, Hawaii State Teachers Association;
CHRISTOPHER CHANG, Maui UniServ,
Hawaii State Teachers Association and HAWAII
STATE TEACHERS ASSOCIATION,

Respondents.

CASE NO. CU-05-302

ORDER NO. 3080

ORDER GRANTING COMPLAINANT'S
ORAL MOTION TO WITHDRAW
COMPLAINT FILED ON MARCH 9, 2011

**ORDER GRANTING COMPLAINANT'S ORAL MOTION
TO WITHDRAW COMPLAINT FILED ON MARCH 9, 2011**

On March 9, 2011, Complainant SHANYE N. VALEHO-NOVIKOFF (herein "Complainant") filed with the Board a Prohibited Practice Complaint (herein "Complaint") against Respondents WILFRED OKABE, WILBERT HOLCK, CHRISTOPHER CHANG and HAWAII STATE TEACHERS ASSOCIATION (herein collectively "Respondents"). On July 29, 2015, the Board held a hearing (herein "7/29/15 Hearing") on Respondents' Motion for Summary Judgment filed on January 6, 2015. Complainant was present at the hearing and Rebecca Covert, Esq. was present for Respondents.

At the 7/29/15 Hearing, Complainant made an oral motion to withdraw the complaint filed in this case on March 9, 2011. Complainant understands that the withdrawal will be with prejudice. No objection or opposition to the Motion to Withdraw was made by Ms. Covert.

Any complaint before the Board may be withdrawn pursuant to Section 12-42-44 of the Board's Rules, which states in part:

Section 12-42-44 Withdrawal. Any complaint may be withdrawn at any time prior to the issuance of a final order thereon, upon motion and with the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 .

In order to withdraw a prohibited practice complaint under Section 12-42-44 of the Board's Rules, the Complainant must meet three requirements: (1) Complainant must file a motion to withdraw, (2) which must be filed prior to the issuance of a final order, and (3) obtain the consent of the Board. In this case, Complainant has met the first two of the three requirements of Section 12-42-44, and the sole issue before this Board is whether to consent to or reject Complainant's request to withdraw the prohibited practice complaint.

Based on a review of the record and consideration of the instant motion, the Board grants the withdrawal of the Complaint with prejudice. This case is closed.

DATED: Honolulu, Hawaii, July 30, 2015.

HAWAII LABOR RELATIONS BOARD




KERRY M. KOMATSUBARA, Chair


SESNITA A.D. MOEPONO, Member


ROCK B. LEY, Member

Copies sent to:

Rebecca Covert, Esq.
Shanye N. Valeho-Novikoff