



STATE OF HAWAII

**EFiled: Nov 04 2015 09:40AM HAST**  
**Transaction ID 58113658**  
**Case No. CE-05-869**

HAWAII LABOR RELATIONS BOARD

In the Matter of

RICHARD ANTON ST. ONGE,

Complainant,

and

DEPARTMENT OF EDUCATION,  
WINDWARD DISTRICT OFFICE,  
STATE OF HAWAII,

Respondent.

CASE NO. CE-05-869

ORDER NO. 3116

ORDER GRANTING  
COMPLAINANT'S WITHDRAWAL  
OF COMPLAINT; EXHIBIT "A"

ORDER GRANTING COMPLAINANT'S WITHDRAWAL OF COMPLAINT

On October 23, 2015, Respondent DEPARTMENT OF EDUCATION, WINDWARD DISTRICT OFFICE, STATE OF HAWAII (Respondent) filed Respondent's Motion to Dismiss in Lieu of Answer to Prohibited Practice Complaint Filed on October 8, 2015 (Motion). In Respondent's Memorandum in Support of Motion, Respondent argued that Complainant RICHARD A. ST. ONGE's (Complainant) Prohibited Practice Complaint (Complaint) should be dismissed because Complainant failed to exhaust his contractual remedies under the collective bargaining agreement and for lack of jurisdiction over the matters alleged.

On October 26, 2015, after a prehearing conference (Conference) at the Hawaii Labor Relations Board (Board), the Board issued its Waiver of §377-9(b), Hawaii Revised Statutes (HRS) and §12-42-46(b), Subchapter 3, Chapter 42, Title 12, Hawaii Administrative Rules (HAR); Notice of Filing Deadlines; and Notice of Motion Hearing, setting a hearing on Respondent's Motion of November 13, 2015.

By letter dated October 27, 2015, UniServ director David C. Forrest, Jr., who had informed that Board at the October 26, 2015 Conference that he was representing Complainant, notified the Board neither he nor Hawaii State Teachers Association is representing Complainant in this matter.

By letter to the Board dated October 29, 2015 and filed November 2, 2015, Complainant provided notice of withdrawal of the prohibited practice complaint filed in the above-captioned matter. Complainant stated that he "must first exhaust contractually

provided 'in house' remedies before proceeding with a prohibited practices complaint regarding unfair labor practice." Uniserv director Forrest was copied on Complainant's October 29, 2015 letter, however counsel for Respondent was not. (See Exhibit "A" attached hereto for reference.)

HAR §12-42-24 provides that "Any petition may be withdrawn with the consent of the board under such conditions as the board may impose to effectuate the policies of chapter 89, HRS. Whenever the board approves withdrawal of any petition, the case shall be closed."

Given the position of Respondent seeking dismissal of this matter and based upon a review of this matter and consideration of Complainant's withdrawal request, the Board hereby GRANTS the withdrawal of the instant petition. This case is closed.

DATED: Honolulu, Hawaii, November 4, 2015.

HAWAII LABOR RELATIONS BOARD



  
KERRY M. KOMATUSBARA, CHAIR

  
SESNITA A.D. MOEPONO, Member

  
ROCK B. LEY, Member

c: Richard Anton St. Onge, Pro Se  
Brian J. McCreanor, Deputy Attorney General

October 29, 2015

State of Hawaii Labor Relations Board  
830 Punchbowl Street  
Room 434  
Honolulu, Hawaii 96813

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HAWAII LABOR  
RELATIONS BOARD

**RE: Case No. CE-05-869 – Richard Anton St. Onge v. D.O.E., W.D.O., State of Hawaii**

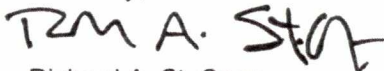
To Whom It May Concern:

This letter serves as notice of withdrawal of the complaint identified herein (Case No. CE-05-869).

At present I respectfully withdraw my complaint for the time being because I believe I must first exhaust contractually provided "in house" remedies before proceeding with a prohibited practices complaint regarding unfair labor practice. Upon reflection and based upon discussion with both the State and my union representative, I have concluded that it would be premature to proceed at this time with my complaint; although I reserve the right to proceed with a prohibited practices complaint regarding unfair labor practice when and if the appropriate time comes.

Thank you for your attention to this matter.

Sincerely,



Richard A. St. Onge  
59-003 Huelo Street  
Haleiwa, HI 96712  
808-232-3638

[paumalu1@hawaiiantel.net](mailto:paumalu1@hawaiiantel.net)

cc: David Forrest, Esq. HSTA UNISERV Director

EXHIBIT A

