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Case No. CE-01-871, CU-01-339

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

DAVID J.K.K. CRIVELLO,

Complainant,

and

KYLE GINOZA, Director, Department of
Environmental Management, County of
Maui and DAYTON NAKANELUA, State
Director, United Public Workers, AFSCME,
Local 646, AFL-CIO,

Respondents.

CASE NOS. CE-01-871
CU-01-339

ORDER NO. 3139

ORDER (A) GRANTING (1)
RESPONDENT DAYTON
NAKANELUA, STATE DIRECTOR,
UNITED PUBLIC WORKERS,
AFSCME, LOCAL 646, AFL-CIO'S
MOTION TO APPROVE
WITHDRAWAL OF COMPLAINT
(FILED 1/14/2016), (2)
COMPLAINANT DAVID J.K.K.
CRIVELLO'S MOTION FOR
LEAVE TO WITHDRAW
COMPLAINT AND AMENDED
COMPLAINT (FILED 1/15/2016)
AND (3) RESPONDENT KYLE
GINOZA, DIRECTOR,
DEPARTMENT OF
ENVIRONMENTAL
MANAGEMENT, COUNTY OF
MAUI'S MOTION TO APPROVE
WITHDRAWAL OF COMPLAINT
AND AMENDED COMPLAINT
(FILED 1/15/2016) AND (B)
CLOSING CASE

ORDER (A) GRANTING (1) RESPONDENT DAYTON NAKANELUA, STATE
DIRECTOR, UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO'S MOTION
TO APPROVE WITHDRAWAL OF COMPLAINT (FILED 1/14/2016), (2) COMPLAINANT
DAVID J.K.K. CRIVELLO'S MOTION FOR LEAVE TO WITHDRAW COMPLAINT AND
AMENDED COMPLAINT (FILED 1/15/2016) AND (3) RESPONDENT KYLE GINOZA,
DIRECTOR, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, COUNTY OF
MAUI'S MOTION TO APPROVE WITHDRAWAL OF COMPLAINT AND AMENDED
COMPLAINT (FILED 1/15/2016) AND (B) CLOSING CASE

Respondent Dayton Nakanelua, State Director, United Public Workers, AFSCME,
Local 646, AFL-CIO (Union) filed a Motion to Approval Withdrawal of Complaint with the

Hawaii Labor Relations Board on January 14, 2016 (Union Motion), Complainant David J.K.K. Crivello (Complainant) filed a Motion for Leave to Withdraw Complaint and Amended Complaint on January 15, 2016 (Crivello Motion) and Respondent Kyle Ginoza, Director, Department of Environmental Management, County of Maui (County) filed a Motion to Approve Withdrawal of Complaint and Amended Complaint on January 15, 2016 (County Motion).

Each of the parties represented to the Board that the above-entitled action was settled, and that Complainant agreed to withdraw the Prohibited Practice Complaint filed on November 19, 2015 against both the County and Union. In addition, the Complainant and County requested that the Board approve the withdrawal of an Amended Prohibited Practice Complaint filed on December 14, 2016.¹ As such, the Board shall treat the Union Motion, Complainant's Motion and the County Motion as a joint (1) notification to the Board that Complainant is withdrawing the Prohibited Practice Complaint filed on November 19, 2015 and the Amended Prohibited Practice Complaint filed on December 14, 2015 and (2) request that the Board grant the motions without a hearing, approve and accept the withdrawal of said complaints and close Case Nos. CE-01-871 and CU-01-339.

Based on the foregoing, and in accordance with Hawaii Administrative Rules Sections 12-42-8(g)(3)(C) and 12-42-44, the Board unanimously:

¹ The Amended Prohibited Practice Complaint is currently the subject of a Motion to Strike Complainant's Amended Prohibited Practice Complaint Filed on December 14, 2015 filed on December 16, 2015 by the Union, and a Motion for Leave to File Amended Complaint filed on January 13, 2016. The Board did not rule on either motion. However, to avoid confusion (since the Amended Prohibited Practice Complaint was filed without the consent of the Board as required by Hawaii Administrative Rules Section 12-42-43 and is still part of the recorded in these cases), the Board will allow Complainant to withdraw the Amended Complaint without ruling on either motion.

- (1) Grants the Union and Complainant Motions;
- (2) Approves of, and accepts, the withdrawal of the Prohibited Practice Complaint filed on November 19, 2015 and the Amended Prohibited Practice Complaint filed on December 14, 2015, by the Complainant against the County and the Union; and
- (3) Based on the foregoing, hereby closes both Case No. CE-01-871 and Case No. CU-01-330.

DATED: Honolulu, Hawaii, January 19, 2016.

HAWAII LABOR RELATIONS BOARD




KERRY M. KOMATSUBARA, Chair


SESNITA A. D. MOEPONO, Member


ROCK B. LEY, Member

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