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Transaction ID 60540252  
Case No. CE-02-639a-e**

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

HAWAII GOVERNMENT EMPLOYEES  
ASSOCIATION, AFSCME, LOCAL 152,  
AFL-CIO

Complainant,

and

LINDA LINGLE, Governor, State of Hawaii;  
CHIYOME L. FUKINO, M.D., Director,  
Department of Health, State of Hawaii; and  
MARK A FRIDOVICH, M.D., Administrator,  
Hawaii State Hospital, State of Hawaii,

Respondents.<sup>1</sup>

CASE NOS.: CE-02-639a  
CE-03-639b  
CE-04-639c  
CE-09-639d  
CE-13-639e

ORDER NO. 3251

ORDER GRANTING HGEA/AFSCME  
MOTION TO WITHDRAW PROHIBITED  
PRACTICE COMPLAINT FILED ON JUNE  
7, 2007

ORDER GRANTING HGEA/AFSCME MOTION TO WITHDRAW  
PROHIBITED PRACTICE COMPLAINT FILED ON JUNE 7, 2007

On March 30, 2017, the Hawaii Labor Relations Board held a status conference in this case at which the parties were represented by counsel.

Subsequently, on April 21, 2017, the Complainant Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO filed HGEA/AFSCME MOTION TO WITHDRAW PROHIBITED PRACTICE COMPLAINT FILED ON JUNE 7, 2007 (Motion to Withdraw Complaint).

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<sup>1</sup> Pursuant to Hawaii Rules of Civil Procedure (HRCPP) Rule 25(d)(1), when a public officer is a party to an action in an official capacity and during its pendency dies, resigns or otherwise ceases to hold office, the action does not abate and the officer's successor is automatically substituted as a party; proceedings following the substitution shall be in the name of the substituted party, but any misnomer not affecting the substantial rights of the parties shall be disregarded. Although the Board does not amend the caption in this matter, the Board pursuant to HRCPP Rules 25(d)(1), deems the successors to the named Respondents to be parties in this matter.

Pursuant to Hawaii Administrative Rules (HAR) § 12-42-8(g)(3)(C)(iii), LINDA LINGLE, Governor, State of Hawaii; CHIYOME L. FUKINO, M.D., Director, Department of Health, State of Hawaii; and MARK A FRIDOVICH, M.D., Administrator, Hawaii State Hospital, State of Hawaii (Respondents) have five days after service of the Motion to Withdraw Complaint to file a response.

To date, Respondents have not responded to the Motion to Withdraw Complaint.

Moreover, Hawaii Administrative Rules § 12-42-44 states:

§ 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 Any complaint may be withdrawn at any time prior to the issuance of a final order thereon, upon motion and with the consent of the board.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 the withdrawal of such complaint, the case shall be closed.

A final order has not been issued on the Prohibited Practice Complaint filed in this case. Accordingly, in accordance with HAR § 12-42-44 and the lack of Respondents' objections, the Board grants the Motion to Withdraw Complaint, and this case is closed.

DATED: Honolulu, Hawaii, May 1, 2017.

HAWAII LABOR RELATIONS BOARD



*Sesnita A. D. Moepono*  
SESNITA A.D. MOEPONO, Member

*JN. Musto*  
JN. MUSTO, Member

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