



STATE OF HAWAII

**EFiled: May 04 2017 03:21PM HAST  
Transaction ID 60559623  
Case No. CE-02-736a-d**

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;  
DARWIN CHING, Director, Department of  
Labor & Industrial Relations, State of Hawaii,

Respondents. <sup>1</sup>

CASE NOS.: CE-02-736a  
CE-03-736b  
CE-04-736c  
CE-13-736d

ORDER NO: 3259

ORDER GRANTING HGEA/AFSCME  
MOTION TO WITHDRAW PROHIBITED  
PRACTICE COMPLAINT FILED ON  
NOVEMBER 9, 2009

**ORDER GRANTING HGEA/AFSCME MOTION TO WITHDRAW  
PROHIBITED PRACTICE COMPLAINT FILED ON NOVEMBER 9, 2009**

On April 26, 2017, the Complainant Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO filed PROHIBITED PRACTICE COMPLAINT FILED ON NOVEMBER 9, 2009 (Motion to Withdraw Complaint).

Pursuant to Hawaii Administrative Rules (HAR) § 12-42-8(g)(3)(C)(iii), Respondents LINDA LINGLE, Governor, State of Hawaii; and DARWIN CHING, Director, Department of Labor & Industrial Relations, State of Hawaii (Respondents) have five days after service of the Motion to Withdraw Complaint to file a response.

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<sup>1</sup> Pursuant to Hawaii Rules of Civil Procedure (HRCP) 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 HRCP Rules 25(d)(1), deems the successors to the named Respondents to be parties in this matter.

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 Any complaint may be withdrawn at any time prior to the issuance of a final order thereon, upon motion and with the consent of the board.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 4, 2017.

HAWAII LABOR RELATIONS BOARD



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

*J.N. Musto*  
J.N. MUSTO, Member

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