

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CE-10-126
)	
DEAN M. CABATBAT, TERRILL)	ORDER NO. 738
HARRISON and PETER WONG,)	
)	ORDER GRANTING, IN PART,
Complainants,)	RESPONDENT'S MOTION FOR
)	PARTICULARIZATION OF
and)	COMPLAINT
)	
DEPARTMENT OF CORRECTIONS,)	
State of Hawaii,)	
)	
Respondent.)	
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ORDER GRANTING, IN PART, RESPONDENT'S
MOTION FOR PARTICULARIZATION OF COMPLAINT

On July 24, 1989, Respondent DEPARTMENT OF CORRECTIONS, State of Hawaii [hereinafter referred to as Respondent], by and through its attorney, filed with this Board a Motion for Particularization of Complaint, together with a supporting affidavit.

Upon review of the aforesaid motion and affidavit and the charges set forth in the complaint, the Board concludes that particularization of the complaint, in part, should be granted pursuant to Administrative Rules § 12-42-45(b).

The Board directs the above-named Complainants to file with this Board the original and five (5) copies of the requested particularization, with proof of service upon Respondent, no later than 4:30 p.m. on the fifth working day after

service of this order. With regard to the allegations in Exhibit 5 of the Complaint, the Particularization should specify:

1. How much each Complainant believes is due him;
2. The inclusive dates each Complainant earned the amounts allegedly due;
3. Regarding the statement that the grievance was filed in a timely manner, "just one day after violation of this payroll computational error became known":
 - a. The date the error became known;
 - b. By whom did the error become known;
 - c. The way in which the error became known.
4. Regarding the statement beginning, "Management agreed to pay retro 14 days . . .":
 - a. In what document Management made this agreement;
 - b. Who were the parties to this agreement;
 - c. When was the agreement executed, if known.

If Complainants fail to timely file and serve the Particularization, the Board shall dismiss the subject Prohibited Practice Complaint. If Complainants are without specific facts or information to address the issues presented above, they should so state within the timeliness established.

Respondent is directed to file with this Board the original and five (5) copies of the Answer, with proof of service upon Complainants, no later than 4:30 p.m. of the fifth working day after service of Complainants' Particularization. The failure of Respondent to timely file its answer shall constitute an admission of the material facts alleged in the Complaint and Particularization and a waiver of a hearing.

DATED: Honolulu, Hawaii, August 3, 1989.

HAWAII LABOR RELATIONS BOARD



GERALD K. MACHIDA, Board Member



RUSSELL T. HIGA, Board Member

Copies sent to:

Dean M. Cabatbat
Gary Hynds, Deputy Attorney General
Joyce Najita, IRC