

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. CE-03-193
SYLVIE M. BOUCHERAT,	)	ORDER NO. 974
Complainant,	)	ORDER GRANTING RESPOND-
and	)	ENT'S MOTION TO DISMISS
DEPARTMENT OF HEALTH, State of	)	
Hawaii,	)	
Respondent.	)	

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ORDER GRANTING RESPONDENT'S MOTION TO DISMISS

On July 14, 1993, Complainant SYLVIE M. BOUCHERAT (BOUCHERAT) filed a prohibited practice complaint with the Hawaii Labor Relations Board (Board). Complainant alleges, inter alia, that Respondent DEPARTMENT OF HEALTH, State of Hawaii (DOH or Employer) discriminated against her resulting in her termination from employment as a Secretary II.

On August 19, 1993, Respondent DOH, by and through its counsel, filed a Motion to Dismiss with the Board. The DOH contends that the Board lacks jurisdiction over the instant complaint because Complainant has failed to make a prima facie showing that Respondent engaged in any prohibited practices in violation of Section 89-13, Hawaii Revised Statutes (HRS).

A hearing was held on Respondent's motion on August 24, 1993. The parties were given full opportunity to file documents and present oral arguments on the motion.

Complainant contends that the DOH violated Section 89-13, HRS. The documents submitted in support of her complaint charges Complainant's supervisor with race discrimination and further charges DOH's Affirmative Action Officer with failing to provide a timely response to her Equal Employment Opportunity complaints.

Respondent DOH contends that the Board lacks jurisdiction over BOUCHERAT's complaints which allege race discrimination, disparate treatment, retaliation, and personality conflicts with her supervisor.

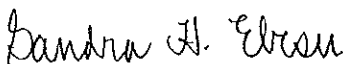
Based upon a thorough review of the record, the Board hereby grants Respondent DOH's motion to dismiss. BOUCHERAT's complaint alleges race discrimination and disparate treatment based upon a personality conflict with her supervisor. The Board does not have jurisdiction over those complaints. Moreover, the Board finds no other colorable allegations of Section 89-13, HRS, violations in the record. Therefore, the Board hereby dismisses the instant complaint for failure to state a claim under Chapter 89, HRS.

DATED: Honolulu, Hawaii, October 12, 1993.

HAWAII LABOR RELATIONS BOARD

  
BERT M. TOMASU, Chairperson

  
RUSSELL T. HIGA, Board Member

  
SANDRA H. EBESU, Board Member

SYLVIE M. BOUCHERAT v. DEPARTMENT OF HEALTH, State of Hawaii, CASE  
NO. CE-03-193  
ORDER NO. 974  
ORDER GRANTING RESPONDENT'S MOTION TO DISMISS

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