

STATE OF HAWAI'I
HAWAI'I LABOR RELATIONS BOARD

In the Matter of

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

Complainant,

and

DEREK AKIYOSHIⁱ, Oahu Region CEO,
Hawai'i Health Systems Corporation,

Respondent.

CASE NO. CE-02-730a
 CE-03-730b
 CE-04-730c
 CE-09-730d
 CE-13-730e

ORDER NO. 3460

ORDER DISMISSING THE
COMPLAINT WITH PREJUDICE AND
CLOSING THE CASE

ORDER DISMISSING THE COMPLAINT WITH PREJUDICE AND CLOSING THE CASE

On January 30, 2019, the Hawai'i Labor Relations Board (Board) issued a Notice of Intent to Dismiss [Complaint] (Notice) in this proceeding. On that same date, the Notice was filed and served upon Complainant HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO (HGEA) and Respondent DEREK AKIYOSHIⁱⁱ, Oahu Region CEO, Hawai'i Health Systems Corporation (Respondent), via File & ServeXpress (FSX).

The Notice stated that the case would be dismissed "unless a written objection is received from any party within ten days of issuance of this notice, setting forth good cause as to why the case should not be dismissed."

On February 4, 2019, Respondent, through counsel, submitted Respondent's Statement of No Objection to Notice of Intent to Dismiss Complaint. However, the ten days from the issuance of the Notice has elapsed, and the Board has received no written notification from HGEA setting forth reasons why this Complaint should not be dismissed.

Therefore, the Board hereby dismisses the Complaint. This case is closed.

DATED: Honolulu, Hawai'i, February 12, 2019.

HAWAI'I LABOR RELATIONS BOARD



EXCUSED

MARCUS R. OSHIRO, Chair

Sesnita A. D. Moepono

SESNITA A.D. MOEPONO, Member

J.N. Musto

J.N. MUSTO, Member

Copies sent to:

Debra Kagawa
Robert Katz, Esq.

ⁱ The Board has applied the Hawai'i Rules of Civil Procedure (HRCP) where its administrative rules are silent. Dep't of Safety, State of Hawai'i v. United Public Workers, AFSCME, Local 646, AFL-CIO, Board Case No. CU-10-322, Order No. 2944, at *2 n. 2 (2013). As laid out in HRCP Rule 25(d)(1), when a public officer is a party to an action in an official capacity and, while that action is pending, the public officer dies, resigns, or otherwise ceases to hold office, 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 that does not affect the substantial rights of the parties will be disregarded.

ⁱⁱ See Endnote i.