

STATE OF HAWAI'I

HAWAI'I LABOR RELATIONS BOARD

In the Matter of

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

Complainant,

and

DAVID Y. IGE<sup>i</sup>, Governor, State of  
Hawai'i; JADE BUTAY<sup>ii</sup>, Director,  
Department of Transportation, State of  
Hawai'i; and GUY KUNITAKE,  
Personnel Management Specialist<sup>iii</sup>,  
Highways Division, Department of  
Transportation, State of Hawai'i,

Respondents.

CASE NO. CE-02-728a  
CE-03-728b  
CE-04-728c  
CE-13-728d

ORDER NO. 3461

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 and Respondents DAVID Y. IGE<sup>iv</sup>, Governor, State of Hawai'i; JADE BUTAY<sup>v</sup>, Director, Department of Transportation, State of Hawai'i; and GUY KUNITAKE, Personnel Management Specialist<sup>vi</sup>, Highways Division, Department of Transportation, State of Hawai'i, 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."

However, the ten-day period from the issuance of the Notice has elapsed, and the Board has received no written notification from either of the parties 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  
James E. Halvorson, Deputy Attorney General

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<sup>i</sup> 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.

<sup>ii</sup> See Endnote i.

<sup>iii</sup> The Board has been informed that this position is no longer used at the Department of Transportation. However, as this person was listed in this capacity as a Respondent, the Board will continue to use this designation.

<sup>iv</sup> See Endnote i.

<sup>v</sup> See Endnote i.

<sup>vi</sup> See Endnote iii.