

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

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

Complainant,

and

DEPARTMENT OF EDUCATION, State
of Hawai'i,

Respondent.

CASE NO. 18-CE-04-918

ORDER NO. 3547

ORDER GRANTING
COMPLAINANT'S MOTION TO
WITHDRAW PROHIBITED PRACTICE
COMPLAINT AND CLOSING CASE

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On July 6, 2018, Complainant HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO (HGEA) filed a Prohibited Practice Complaint against DEPARTMENT OF EDUCATION, State of Hawai'i (Respondent) with the Hawai'i Labor Relations Board (Board) alleging that the Respondent violated Hawai'i Revised Statutes § 89-13(a)(5), (7), and (8) for conduct arising out of an arbitration.

On August 2, 2019, HGEA filed Complainant's Motion to Withdraw Prohibited Practice Complaint (Motion to Withdraw).

Respondent did not file a response to HGEA's Motion to Withdraw within the five days provided for in Hawai'i Administrative Rules (HAR) § 12-42-8(g)(3)(iii)ⁱ.

HAR § 12-42-44 provides:

§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 Any complaint may be withdrawn at any time prior to the issuance of a final order thereon, upon motion and with the consent of the board.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 withdrawal of such complaint, the case shall be closed.

Based on the foregoing, the Board grants the Motion to Withdraw. The case is closed.

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

HAWAI'I LABOR RELATIONS BOARD



MARCUS R. OSHIRO, Chair

SESNITA A.D. MOEPONO, Member

J.N. MUSTO, Member

Copies sent to:

Rosalyn G. Payen, Esq.
Grant Giventer, Deputy Attorney General

ⁱ Hawai'i Administrative Rules § 12-42-8(g)(3)(C)(iii) states in relevant part:

Answering affidavits, if any, shall be served on all parties and the original and five copies, with certificate of service on all parties, shall be filed with the board within five days after service of the motion papers, unless the board directs otherwise.