

STATE OF HAWAI'I
HAWAI'I LABOR RELATIONS BOARD

In the Matter of

DAMON MURPHY,

Complainant(s),

and

HAWAII STATE TEACHERS
ASSOCIATION,

Respondent(s).

CASE NO(S). 22-CU-05-392

ORDER NO. 3879

ORDER DISMISSING THE CASE FOR
LACK OF STANDING AND CLOSING
THE CASE

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Complainant DAMON MURPHY (Complainant or Mr. Murphy) filed a prohibited practice complaint (Complaint) with the Hawai'i Labor Relations Board (Board) alleging that Respondent HAWAII STATE TEACHERS ASSOCIATION (HSTA) committed prohibited practices when HSTA allegedly told members of bargaining unit 5 (BU 5) not to complete reduction-in-force (RIF) questionnaires.

At a prehearing conference, the Board raised the issue of Mr. Murphy's standing to bring this case because he is not a BU 5 member, and he is not the relevant employer for Connections Public Charter School (Connections). The Board ordered Mr. Murphy to provide documentary proof that he filed the Complaint as the representative of the employer, the Governing Board of Connections by July 22, 2022 at 4:30 p.m.. Mr. Murphy did not provide any such proof by this deadline.

Standing is a legal doctrine focused on whether parties have the right to bring a particular complaint or claim. Pele Defense Fund v. Puna Geothermal Venture, 77 Hawai'i 64, 67, 881 P.2d 1210, 1213 (1994). Without standing, a party cannot bring a valid complaint.

To determine standing, the Board must consider whether Mr. Murphy has alleged a sufficient personal stake in the outcome to justify the exercise of the Board's remedial powers on his behalf. Tax Foundation of Hawaii v. State, 144 Hawai'i 175, 188, 439 P.3d 140, 144 (2019).

According to the Complaint, Mr. Murphy alleges that HSTA interfered with the rights of the Governing Board of Connections. Mr. Murphy is not a member of the Governing Board and has not provided the Board with proof that he filed the Complaint under the direction of the Governing Board.

Accordingly, the Board must find that Mr. Murphy does not have standing to bring this case because he does not have a personal stake in the outcome and must dismiss this case. This case is closed.

DATED: Honolulu, Hawai'i, August 3, 2022.

HAWAI'I LABOR RELATIONS BOARD

MARCUS R. OSHIRO, Chair

SESNITA A.D. MOEPONO, Member

J N. MUSTO, Member

Copies sent to:

Damon Murphy, Self-Represented Litigant
Keani Alapa, Esq.