

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CE-05-169
)	
GAYLE M. SUZUKI,)	ORDER NO. 894
)	
Complainant,)	ORDER GRANTING RESPONDENTS'
)	MOTION FOR PARTICULARIZATION
and)	OF THE COMPLAINT
)	
WIL MURAKAMI, PATRICIA BERGIN)	
and DEPARTMENT OF EDUCATION,)	
State of Hawaii,)	
)	
Respondents.)	
)	

ORDER GRANTING RESPONDENTS' MOTION
FOR PARTICULARIZATION OF THE COMPLAINT

On July 27, 1992, Respondents WIL MURAKAMI, PATRICIA BERGIN, and DEPARTMENT OF EDUCATION, State of Hawaii, by and through their attorneys, filed a motion to dismiss the Prohibited Practice Complaint for failure to exhaust her administrative remedies by pursuing her complaint through the grievance process, or in the alternative, to order Complainant to file a particularization of the Complaint. Respondents contend that the fourteen page narrative attached to the complaint relates incidents dating back to 1974 and is so vague and confusing that an answer cannot be framed.

After reviewing the complaint, the Board agrees with Respondents that the narrative attached to the Complaint as the "Basis of Complaint" does not coherently allege violations of Section 89-13(a), Hawaii Revised Statutes (HRS). Complainant fails

to clearly set forth how the incidents described constitute prohibited practices committed by Respondents. Moreover, Complainant is reminded that this Board has a ninety-day statute of limitations in Section 377-9, HRS. Thus, allegations of events constituting prohibited practices must have occurred within ninety days of the filing of the Complaint to come within the Board's jurisdiction.

The Board hereby directs the Complainant to file with this Board the original and five (5) copies of the requested particularization, with proof of service upon Respondents' counsel, no later than 4:30 p.m. of the fifth working day after service of this order. The Particularization shall specify the allegations of the prohibited practices committed by the Respondents named by Complainant. If Complainant fails to file and serve the Particularization in a timely manner, the Board may dismiss the subject Prohibited Practice Complaint.


Respondents are directed to file with the Board the original and five (5) copies of the Answer, with proof of service upon Complainant, no later than 4:30 p.m. of the fifth working day after service of Complainant's Particularization. Failure by Respondents to file answer in a timely manner may constitute an admission of the material facts alleged in the Complaint and Particularization and a waiver of a hearing.

The motion to dismiss for failure to exhaust administrative remedies is held in abeyance.

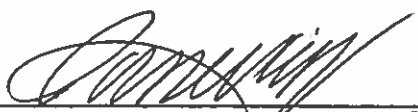
GAYLE M. SUZUKI v. WIL MURAKAMI, PATRICIA BERGIN, and DEPARTMENT
OF EDUCATION, State of Hawaii; CASE NO. CE-05-169
ORDER GRANTING RESPONDENTS' MOTION FOR PARTICULARIZATION OF THE
COMPLAINT

DATED: Honolulu, Hawaii, August 13, 1992.

HAWAII LABOR RELATIONS BOARD



BERT M. TOMASU, Chairperson



RUSSELL T. HIGA, Board Member

Copies sent to:

Glenn S. Grayson, Deputy Attorney General
Gayle M. Suzuki
Joyce Najita, IRC