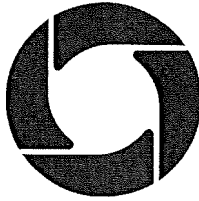


Office of the Ombudsman  
State of Hawaii  
Fiscal Year 2018-2019  
Report Number 50





As a service to the public provided by the legislature, the Office of the Ombudsman receives and investigates complaints from the public about injustice or maladministration by executive agencies of the State and county governments.

The Ombudsman is a nonpartisan officer of the legislature. The Ombudsman is empowered to obtain necessary information for investigations, to recommend corrective action to agencies, and to criticize agency actions; but the Ombudsman may not compel or reverse administrative decisions.

The Ombudsman is charged with: (1) accepting and investigating complaints made by the public about any action or inaction by any officer or employee of an executive agency of the State and county governments; and (2) improving administrative processes and procedures by recommending appropriate solutions for valid individual complaints and by suggesting appropriate amendments to rules, regulations, or statutes.

By law, the Ombudsman cannot investigate actions of the governor, the lieutenant governor and their personal staffs; the legislature, its committees and its staff; the judiciary and its staff; the mayors and councils of the various counties; an entity of the federal government; a multistate governmental entity; and public employee grievances, if a collective bargaining agreement provides an exclusive method for resolving such grievances.

**Kekuanaoa Building, 4th Floor  
465 South King Street  
Honolulu, HI 96813**

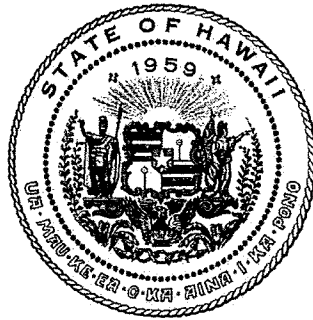
**Phone: 808-587-0770  
Fax: 808-587-0773  
TTY: 808-587-0774**

**Neighbor island residents may  
call our toll-free numbers.**

**Hawaii 974-4000  
Maui 984-2400  
Kauai 274-3141  
Molokai, Lanai 1-800-468-4644**

**Telephone extension is 7-0770  
Fax extension is 7-0773  
TTY extension is 7-0774**

**email: [complaints@ombudsman.hawaii.gov](mailto:complaints@ombudsman.hawaii.gov)  
website: [ombudsman.hawaii.gov](http://ombudsman.hawaii.gov)**



State of Hawaii

# Report of the Ombudsman

For the Period July 1, 2018 - June 30, 2019  
Report No. 50

Presented to the Legislature  
pursuant to Section 96-16 of  
the Hawaii Revised Statutes

January 2020

Mr. President, Mr. Speaker, and Members of the  
Hawaii State Legislature of 2020:

In accordance with Section 96-16, Hawaii Revised Statutes, I am pleased to submit the report of the Office of the Ombudsman for fiscal year 2018-2019. This is the fiftieth annual report since the establishment of the office in 1969.

For the past half century, the Office of the Ombudsman, the first classical ombudsman office to be established in the United States, has served the Hawaii's residents and visitors by independently and impartially reviewing the actions and decisions of the State's executive branch and county agencies. Reaching this significant milestone was possible only with the unvarying support of the members of the Hawaii State Legislature, to whom I convey my most sincere appreciation.

On behalf of the members of the office, I would like to thank the Governor, the Mayors of the various counties, and the State and County department heads and employees for their continuing cooperation and assistance in our efforts to address citizen complaints and ensure the fair and impartial delivery of government services.

I would also like to recognize the professional and support staff of the Office of the Ombudsman for their continued commitment and dedication to the mission and purpose of our office. Their unwavering efforts to independently and impartially investigate citizen complaints against government and to improve the level of public administration in Hawaii help to strengthen the public's trust and confidence in government.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robin K. Matsunaga', with a long, flowing horizontal line extending to the right.

ROBIN K. MATSUNAGA  
Ombudsman

January 2020

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## **Chapter I**

### **THE OMBUDSMAN INSTITUTION**

#### **The Classical Ombudsman**

The word “Ombudsman” may sound strange to many, which is understandable since it is a Swedish word that literally translated means agent, representative, or advocate. The Ombudsman institution was first established in Sweden in 1809. The Ombudsman was elected by the Swedish Parliament to control the activities of, and prevent abuses by, public officials.

Since that time, the institution has spread around the world at both the national, state or provincial, and local levels. The Ombudsman institution has taken special hold in the Scandinavian countries and in the nations with historical ties to the United Kingdom.

In its classical form, certain characteristics make the Ombudsman institution unique among complaint-handling agencies.

As envisioned, the Ombudsman is an independent, nonpartisan, and quasi-adjudicative officer of the legislative branch of government. This enables the Ombudsman to be structurally and functionally independent of the executive agencies under the Ombudsman’s jurisdiction and identifies the Ombudsman’s investigative role as an extension of the power of legislative oversight.

Fundamentally, the only real power the Ombudsman has is the power to investigate. Thus, the Ombudsman is authorized to inspect agency premises and subpoena testimony and documents.

At the conclusion of an investigation, the Ombudsman may make findings and recommendations for corrective action as appropriate. However, the Ombudsman has no power to enforce these recommendations or to compel an agency to take any corrective action.

Herein lies the key to the classical Ombudsman institution. Since the Ombudsman has no real enforcement power, the office must rely on reasoned persuasion. The findings, conclusions, and recommendations the Ombudsman makes must be fair and reasonable, firmly grounded in fact, administratively sound, and in accordance with law. It is only when these conditions are met that the Ombudsman’s recommendations can be effective and persuasive. The stature of the office thus depends on the objectivity and high professional standards of its work.

From time to time, suggestions have been made about giving the Ombudsman's office statutory enforcement powers to implement its recommendations. This would, however, be antithetical to the basic philosophy of the office. The Ombudsman needs to rely on the soundness of the recommendations made, not on the enforced imposition of those recommendations on an unwilling bureaucracy.

As a corollary to the Ombudsman's investigatory mission, the office is also charged with raising the standards of public administration and encouraging government to work better in the public's interest. This is done by calling to the attention of the legislature, the governor, and the public problem areas, and recommending corrective action be taken, including changes in procedures, rules, and sometimes laws. Being an agent for improvement in the delivery of government services should be an important part of the Ombudsman's job.

While the quasi-adjudicative function continues to be the essence of the Ombudsman's work, what has evolved over time, however, is the office's increasing involvement in the mundane day-to-day points of friction between the citizens and their government -- the lost welfare check, the pothole in the road, the rude government employee. It is the handling of these types of issues that takes up a considerable portion of the staff's work load.

This is to be expected. We live in a complex and bureaucratized society. As the role of government expands and becomes a more pervasive part of the lives of an increasingly sophisticated citizenry, these types of problems increase in complexity.

Part of the public dissatisfaction with government can be attributed to these problems -- minor irritants perhaps, if considered individually, but, on a cumulative basis, can become matters of serious concern.

## **The Evolution of the Ombudsman**

As the Ombudsman institution spreads around the world, it has changed and adapted to meet local conditions.

Some American jurisdictions, finding the Swedish word Ombudsman unfamiliar and exotic, have chosen to use other titles for the office such as Public Counsel or Citizen Advocate. This may also be a reaction to the perception that the word itself is sexist. Etymologically speaking, this is not the case. According to the *NONSEXIST WORD FINDER*, by Rosalie Maggio, the original Swedish word itself is inclusive of both men and women -- the "man" meaning "one." That explanation may not be satisfactory to



everybody, and in English usage, many people do see a sexist connotation to the word and have chosen to use alternative titles for the position, such as Ombudsperson or Ombud.

Four states besides Hawaii have established classical Ombudsman offices. They are Alaska, Arizona, Iowa, and Nebraska. For a period following the establishment of the Hawaii, Nebraska, Iowa, and Alaska Ombudsman offices, it was thought that the classical institution would spread to more states. Except for the Arizona office in 1995, this has not happened for a number of reasons, perhaps the most common being that other states have instead created Ombudsman or ombudsman-like officials in the executive branch with jurisdiction over specific programs or agencies, such as corrections, child and family services, welfare systems, and so on.

The officials established in the executive branch are not ombudsman-like in the classical sense because they lack the formal, structural independence from the executive agencies under their jurisdiction. However, many of these officials are able to function autonomously much like a classical Ombudsman. Others have lesser degrees of functional independence and may not be able to provide complainants the same level of confidence that the official will impartially and objectively investigate complaints against the agency. The key difference between an Ombudsman and an executive complaint officer is the degree of independence and impartiality that the official possesses.

Many local government jurisdictions, such as King County, Washington, and Dayton-Montgomery County, Ohio, have established Ombudsman offices to address citizen complaints. At the federal government level, Ombudsman and ombudsman-like officials have been created within a number of agencies to deal with complaints within and against those agencies. In the private sector, many companies have also established Ombudsman offices to deal with customer and employee complaints.

At the governmental level, it is axiomatic that the Ombudsman institution can only flourish in a democratic society. Under an authoritarian regime, the existence of an independent official exercising oversight powers over administrative agencies cannot be imagined. The United States Ombudsman Association (USOA), North America's oldest organization for public sector Ombudsman offices, was created in 1977 to assist existing Ombudsman offices throughout the United States and to promote and encourage the establishment of Ombudsman offices at the federal, state, and local government levels. The Hawaii Ombudsman has been an active member of the USOA since its founding, assisting in the development and provision of training for new Ombudsman offices and staff, as well as in the provision of technical assistance and advice to jurisdictions interested in creating an Ombudsman office.



## Chapter II

### THE HAWAII OMBUDSMAN

#### Origins of the Office

The beginnings of the Hawaii Ombudsman can be traced to a Legislative Reference Bureau (LRB) report, *THE OMBUDSMAN*, published in November 1965. This report introduced the concept of the Ombudsman institution to Hawaii. The report was prepared because Herman S. Doi, then director of the LRB, had a strong commitment to upgrading the quality of public service; and he saw in the Ombudsman institution a mechanism to address citizen grievances about the abuses of government power. The report presented a history and description of the institution as well as a model Ombudsman statute from the *HARVARD JOURNAL OF LEGISLATION*. While the report sparked some interest, there was initially no strong demand for the establishment of an Ombudsman office in Hawaii.

This began to change shortly after the 1966 election of Duke Kawasaki to the State Senate. Shortly after his election, Senator Kawasaki came across a *LIFE* magazine article about the Ombudsman. Intrigued, he pursued the matter with the LRB which, because of its 1965 report, was fully prepared to assist the Senator with the information he needed.

Convinced of the desirability of establishing an Ombudsman's office, Senator Kawasaki introduced a bill during the 1967 legislative session to create an Ombudsman office that was closely based on the Harvard model. While it encountered resistance and political maneuvering, the bill was passed by the State Legislature and sent to the Governor.

Cool to the idea of an Ombudsman exercising oversight over his agencies, Governor John A. Burns did not sign the Ombudsman bill. Instead, he allowed the bill to become law without his signature.

Having established the office, the next task of the State Legislature was to appoint someone to serve as Ombudsman. For a number of reasons, this was not done during the 1968 legislative session. However, during the 1969 legislative session, the Senate and House met in joint session and voted to appoint Herman S. Doi to serve as Hawaii's first Ombudsman.

Mr. Doi opened the office on July 1, 1969. As Ombudsman, he firmly established the office's guiding principles of independence, impartiality, integrity, and fairness. A strong believer in the Ombudsman institution, Mr. Doi took an active role in assisting other Ombudsman offices throughout

the United States, as well as in other nations. He was reappointed by the State Legislature in 1975 to a second term and served as Ombudsman until his retirement on December 28, 1984.

Succeeding Mr. Doi, Wayne Matsuo became Acting Ombudsman, serving in that capacity until October 1989 when he resigned to become Executive Director of the Office of Youth Services. Mr. Matsuo's strong background in social services and corrections stood him in good stead as he led the office during its period of dramatic workload increase, particularly in the number of prison inmate complaints.

Upon the resignation of Wayne Matsuo, Karen N. Blondin became Acting Ombudsman. Under her leadership, the office obtained additional staff resources to cope with the increased workload. She also updated the operations of the office with the introduction of computers. Ms. Blondin resigned in May 1992 to become a Circuit Court judge.

Yen L. Lew was appointed by the State Legislature in 1992 to serve as Ombudsman beginning July 1, 1992. He had previously served as an Analyst in the office from 1971 to 1974 before leaving to work at the legislature. Before being appointed Ombudsman, Mr. Lew served as the chief administrative aide to the President of the Hawaii State Senate. He retired as Ombudsman in April 1998.

The 1998 Legislature unanimously appointed Robin K. Matsunaga to serve as Ombudsman starting July 1, 1998. Prior to his appointment, he served as Chief of Staff to the Speaker of the Hawaii House of Representatives. Mr. Matsunaga was reappointed to a second term in 2008 and to a third term in 2016. By law, the Ombudsman cannot be appointed to more than three terms. During his term, Mr. Matsunaga automated many of the office's tasks and put in place an effective case management system to help the office handle complaints more efficiently and effectively. Like Mr. Doi, Mr. Matsunaga has taken an active role in assisting other Ombudsman offices across the United States by providing training and other technical advice. He has also assisted in the establishment of new ombudsman offices at the federal and state levels of government and the promotion of the ombudsman institution through his active participation on the Board of Directors of the United States Ombudsman Association.

## **The Ombudsman Logo**

From time to time we are asked about the meaning of our office logo and we are pleased to provide this brief explanation.

The logo was the creation of the late Sam Kim, a gifted Hawaii artist, and presented to Mr. Doi as an inaugural gift at the time of the opening of the office. It is infused with symbolism which invites contemplation.

Starting with an O, Mr. Kim broke it to give the idea of avenues of communication both in and out as well as access to the centers of power. The logo can also be seen as a rolling sun, representing enlightenment and the mobility and hope of life.

At whatever level it is viewed, the logo is a powerful piece of graphic art and a fitting emblem for our office.



## **Chapter III**

### **THE COMPLAINT HANDLING PROCESS**

Since we continue to receive inquiries from people interested in the process used by our office to handle complaints, this chapter is devoted to describing our procedures for receiving and investigating complaints. Although the process is described here in a linear manner, the investigative process is a dynamic process and not a linear sequence of tasks.

Before describing the process we use, it is important to share some information about the staffing of our office and the process we use to assign and monitor cases.

#### **Staff**

Our team is comprised of 14 members: the Ombudsman, the First Assistant, eight Analysts, an Administrative Services Officer, and three Administrative Assistants. The diverse backgrounds and disciplines of the Ombudsman, First Assistant, and Analysts and their unique investigative and analytical skills enable our relatively small team to respond effectively to the large volume and wide variety of complaints we receive.

#### **Assignment of Cases**

Instead of assigning cases to specific Analysts based on the nature of the complaints, the cases are assigned based on a duty day approach, in which the eight Analysts rotate complaint duty on a daily basis. Under this method of assigning cases, the Analyst on duty will be responsible for all new complaints received on the Analyst's duty day. This approach requires Analysts to be "generalists" rather than "specialists" and is not commonly used by other ombudsman offices. However, we believe that although an Analyst's familiarity with a particular program or subject area can facilitate the Analyst's work, specialization could lead to the Analyst being "captured by the system," thereby compromising the objectivity necessary for an impartial investigation. This approach is also favored because it allows each Analyst to deal with a broad spectrum of agencies and complaints and minimizes disruption to office operations in the event of an Analyst's absence or departure from the office.

## **Internal Reporting and Consultation**

The Ombudsman, First Assistant, and Analysts meet at the start of every work week. During this meeting, the Analysts describe the new cases that were received during the preceding week. This weekly meeting provides a forum for discussion, instruction, and analysis, as well as a useful vehicle for apprising staff of new cases and promoting consistency in case work.

Each Analyst also meets individually with the Ombudsman and First Assistant on the day following the Analyst's duty day to discuss in depth the new complaints that were received and to reach preliminary agreement on the issues and investigation plan. During this meeting, the Analyst also reports the status of the Analyst's open cases (the progress made and the work that remains to be done on each case). The status report meeting gives the Ombudsman and First Assistant the opportunity to monitor the progress of the cases and to provide advice and assistance to the Analyst.

## **Complaint Receipt**

### **Method**

Complaints may be filed in writing, in person, or, as in the majority of cases, by telephone. Neighbor island residents may call us without cost by dialing a local telephone number on their island and entering our extension, 70770. For residents living on an island that does not have a local number to call, we provide a toll-free 800 number. In order to make our services more readily accessible to the public, complainants are generally not required to submit their complaints in writing. Two exceptions are complaints against specific individuals and complex complaints.

If a complaint involves wrongdoing by a specific public employee, the complainant may be asked to submit a written statement. This helps to impress upon the complainant that such charges are serious matters, not to be undertaken lightly. It also provides our office with explicit allegations, rather than generalities, upon which to base our investigation. If the complainant has difficulty preparing a written complaint, the Analyst may provide assistance.

In complex cases, we request that the complainant describe the complaint in writing to establish a clear understanding of the complainant's allegations, claims, positions, and desired remedies. This helps to clear the lines of communication between us and the complainant and enables us to focus on the core of the complainant's problem.



## **Complainant Information**

In our initial contact with a complainant, we request that the complainant provide his or her full name, mailing address, and telephone number. This information is requested so that we may contact the complainant later to obtain further information, if necessary, and to report the outcome of our investigation.

It is important to note that we generally do not investigate anonymous complaints as we will not be able to contact the complainant to verify or obtain further information, or to report the results of our investigation. Also, we recognize that some people intend mischief by filing anonymous complaints. If we determine that the administrative act being complained of should be brought to the attention of the affected agency, we may inform the complainant that we will notify the affected agency of the complaint. After being notified, the agency may take whatever action it feels appropriate. If of interest to us, we may ask the agency to inform us of the results of its investigation and any corrective action taken. In certain instances, such as where we believe an anonymous complaint, if found to be substantiated, would identify a systemic problem in an agency, we will undertake an investigation.

Complainants who identify themselves sometimes request that we not disclose their names to agencies in the course of our investigation. For complaints that we can pursue without identifying the complainant (e.g., maintenance of public roads, improper use of State vehicles), we assure the complainant that we will not disclose his or her name. However, we inform the complainant that we cannot prevent the agency from figuring out the identity of the complainant on its own. If we must reveal the complainant's name in order to continue the investigation, we will obtain permission from the complainant before proceeding further. For complaints in which the complainant's identity is clearly essential to our investigation (e.g., delay in receipt of income tax refund, denial of welfare or unemployment benefits), we inform the complainant that we are unable to investigate the complaint unless we can disclose the complainant's identity to the agency.

## **Complaint Information**

During our initial contact with a complainant, we attempt to obtain as much information as possible about the complaint. The Analyst attempts to identify and frame the issues raised by the complaint, and then confirms the issues with the complainant. This is a crucial step in the investigative process since the issues, as perceived by the Analyst and confirmed by the complainant, will determine the direction of the Analyst's further efforts in

research and inquiry. If the Analyst determines later that the issue must be revised, the Analyst will contact the complainant and explain the reasons for the revision in order to preclude future misunderstanding and miscommunication.

If the complainant refers to documents, we request copies. In addition, we ask the complainant to describe the remedy sought. If the remedy desired by the complainant is one that we cannot seek or obtain, we so inform the complainant. For example, if a complainant seeks monetary damages or restitution, we advise the complainant to file a tort claim and/or consult with an attorney as to his or her legal rights and remedies. However, we may still investigate the complaint to seek administrative reform.

The information we obtain during the initial contact with a complainant is entered in our electronic case management system, which assigns a specific case number to each complaint and digitally stores all case information. To ensure the security of the confidential information that we collect and maintain, our case management system database is maintained in a server within our office, behind two physical firewalls, and can only be accessed from within our office through password-protected user logins.

## **Jurisdiction**

During our initial contact with a complainant, we ascertain whether the complaint is within our jurisdiction. Pursuant to Sections 96-1 and 96-5, Hawaii Revised Statutes (HRS), the Ombudsman has authority to investigate the administrative acts of “agencies,” which include “any permanent governmental entity, department, organization, or institution, and any officer, employee, or member thereof acting or purporting to act in the exercise of the officer’s, employee’s, or member’s official duties . . . .” (Emphasis added.)

Government agencies and employees excluded from the Ombudsman’s jurisdiction by Section 96-1, HRS, are:

- (1) The judiciary and its staff;
- (2) The legislature, its committees, and its staff;
- (3) An entity of the federal government;
- (4) A multistate governmental entity;
- (5) The governor and the governor’s personal staff;
- (6) The lieutenant governor and the lieutenant governor’s personal staff;
- (7) The mayors of the various counties; and
- (8) The councils of the various counties.

In addition, our office does not have authority to investigate public employee complaints that are covered by collective bargaining agreements, where those agreements provide an exclusive procedure for resolving such complaints.

If the complaint is not jurisdictional, we do our best to refer the complainant to an appropriate governmental agency or to an organization or entity that may be able to provide assistance.

### **Discretion to Investigate**

If the complaint is jurisdictional, we then evaluate whether the complaint is appropriate for investigation by our office. By law, the Ombudsman has sole authority to decide whether to investigate a complaint. Factors considered in making the decision include whether the complainant has standing; whether the complaint is timely; whether the complainant has attempted to address the complaint with the agency; and whether the complaint involves an act that poses immediate health or safety concerns. If the Ombudsman determines that the complaint is not appropriate for investigation, the complainant is informed of the decision and the reason why we are declining to investigate. When circumstances warrant, we may assist a complainant by contacting the agency and asking the agency to attempt to resolve the matter with the complainant. The complainant is invited to contact us again if the complainant is still unable to satisfactorily resolve the complaint, at which time we will consider the complaint for investigation. If we decide that the complaint is appropriate for investigation, we notify the complainant and the agency of our intent to investigate and begin the investigation process.

## **The Investigation Process**

### **Planning the Investigation**

The first step in every investigation is determining what information and evidence we need to evaluate the administrative act that is being investigated and a determination of what information and evidence we need. This includes identifying witnesses, relevant laws and administrative rules, court decisions, possible forms of documentary evidence, and possible physical evidence. We also consider whether we have access to necessary information and records, including if we need the complainant to provide consent to the agency to share the information and records with our office

that are protected by federal law, such as the Health Insurance Portability and Accountability Act (otherwise known as HIPAA) and the Family Educational Rights and Privacy Act (otherwise known as FERPA). Once we develop this initial plan, we start our investigation.

## **Conducting the Investigation**

The investigative process is dynamic and not inflexible; it is adapted to the circumstances of the particular case under review. Notwithstanding its variations, however, the investigative process is comprised of three key elements: thorough research, fact-finding, and critical analysis. In general, we proceed with investigations in the following manner.

### **Preliminary Research and Review/Issue Identification**

After receiving a complaint, the Analyst researches pertinent statutes, rules, policies, procedures, and legal authority to become familiar with the subject matter of the complaint. The Analyst may consult with other staff members, who may have prior experience with or knowledge of the subject matter, and may review prior case records which contain information on the subject. The Analyst then reviews the information obtained from the complainant in conjunction with the research material to confirm the accuracy of our identification of the issues.

### **Inquiry/Fact-Finding**

After completing the preliminary research, the Analyst is able to formulate the questions to be posed to the agency and any witnesses. In addition to verifying with the agency the information provided by the complainant, the Analyst requests pertinent information and documents and asks the agency to explain the basis for the agency's action/inaction. In certain cases, it is also necessary to contact other agencies and/or to conduct site inspections. The Analyst may also interview other witnesses whom the Analyst believes may have relevant information to assist in evaluating the action of the agency. The Analyst will seek documentary or physical evidence to support and verify witness statements whenever possible.

Inquiry with the agency is accomplished via telephone, in writing, or in-person meetings. The method of inquiry is determined by the urgency and complexity of the problem. If a complaint is relatively simple or requires immediate action, we generally inquire by telephone. A complex complaint

may require a detailed written inquiry. Site visits or agency inspections, announced or unannounced, may be conducted to ascertain the facts of the case. Throughout the fact-finding phase, the Analyst not only collects information and evidence, but constantly analyzes whether the information and evidence obtained is relevant and reliable.

Often, if our preliminary research has been thorough and our identification of the issues has been accurate, it can be determined after the initial inquiry whether an agency has acted lawfully, fairly, and reasonably, and complaints are often resolved at this stage. In other instances, after the Analyst reviews the agency's response, a determination is made that further inquiry with the agency is necessary. Further inquiry may be conducted when it is necessary to clarify the agency's response, when the agency has not responded to all of our questions, or when the pertinent facts as related by the complainant differ from the information reported by the agency.

An investigation may be discontinued under certain circumstances, including when the complainant withdraws the complaint or pursues the complaint through the courts, or when a complainant refuses to provide necessary information or consent to an agency to release information and records to our office.

## **Analysis**

When the Analyst is satisfied that all pertinent and available information has been gathered and research is complete, the Analyst again reviews the facts of the case and compares the agency's actions against the applicable statutes, rules, court decisions, policies, and procedures. If the agency's actions are not in violation, the Analyst analyzes the agency's actions to determine if they were fair and reasonable, given the specific circumstances of the case. Using preponderance of the evidence as the standard of proof, the Analyst determines if the complaint is substantiated, not substantiated, or indeterminate. If determined to be substantiated and if appropriate, the Analyst develops recommendations for action by the agency. The Analyst then presents the Analyst's evaluation of the case, recommendation, and basis therefor to the First Assistant and Ombudsman for consideration, discussion, and approval.

## **Findings and Recommendations**

There are three basic findings that can be made in a completed investigation: substantiated, not substantiated, and indeterminate.

Sometimes, the Analyst is unable to obtain enough facts to substantiate or not substantiate the complaint. This can happen when there are insufficient records or no impartial or reliable witnesses, or too much time has passed since the event occurred and the agency and witnesses cannot recall the event, or there is a dispute of key facts that our office cannot resolve. In these situations, since we are unable to obtain sufficient evidence to meet the preponderance standard, the Analyst will make a finding that the complaint is indeterminate. Because the Analyst is unable to substantiate the complaint, the Analyst will not develop recommendations for action by the agency.

When the evidence obtained in the investigation show that the agency acted in accordance with the laws and rules, and also acted fairly and reasonably, the Analyst will make a finding that the complaint is not substantiated and will not develop recommendations for action by the agency.

When the facts show that the agency's action did not comport with law, rule, court decisions, policy, or procedure, or that the agency's action did not violate law, rule, or policy, or procedure, but was unfair or unreasonable, the Analyst will substantiate the complaint and determine if a recommendation for corrective or other action by the agency is warranted. It is important to note that although the law provides the Ombudsman authority to investigate any administrative act by an agency under the Ombudsman's jurisdiction, the law does not empower the Ombudsman to reverse administrative actions or decisions or compel an agency to take corrective action. Thus, corrective action can only be pursued through recommendations and reasoned persuasion. The types of recommendations most commonly made to agencies by our office are to resolve the matter for the complainant or to take steps to prevent the error from happening again.

If the Ombudsman agrees with the Analyst's determination that the complaint is indeterminate or not substantiated, the Analyst will notify the complainant and agency of the finding. If the complainant disagrees with the finding, the complainant may submit additional evidence to the office and a written request for reconsideration by the Ombudsman. The Ombudsman will consider the additional evidence and determine if a reopening of the investigation or a revision of the findings is warranted. The Ombudsman will notify the complainant in writing of the Ombudsman's decision and will reopen the investigation or revise the findings, if determined by the Ombudsman to be appropriate.

If the Ombudsman agrees with the Analyst's determination that the complaint is substantiated and a recommendation for corrective action is supported by the facts of the case, the Analyst will notify the agency of the

finding and recommended action. As previously noted, the Ombudsman does not have authority to reverse administrative actions or decisions or compel an agency to adopt the Ombudsman's recommendations. Consequently, our office's success in rectifying complaints and achieving administrative fairness is dependent on our ability to present recommendations that are based upon thorough investigation and research, vigorous analysis of issues and perspectives, and sound reasoning.

Before issuing a formal recommendation, we consult with the appropriate agency official to present our position and supporting facts. The agency may, at this time, present alternative solutions. If there is no agreement or resolution, however, we will formalize our recommendation in writing, and request a written response from the agency director.

Following our receipt and review of the agency response, if our recommendation has not been accepted and we feel it warrants further consideration, we may issue a report to the governor, the legislature, and the public (through the media). Such a report would explain the Ombudsman's finding and recommendation and include the supporting reasons, as well as the response of the agency. The report would allow the legislature and the public to form its own opinion of the reasonableness of the Ombudsman's finding and opinion, and of the agency's response.

Finally, when we conclude that we have pursued an investigation as far as we can, the Analyst notifies the complainant of the office's efforts and results.





## Chapter IV

### THE YEAR IN BRIEF

#### Total Inquiries Received

During fiscal year 2018-2019, the office received a total of 4,325 inquiries. Of these inquiries, 3,355, or 77.6 percent, may be classified as complaints within the jurisdiction of the office. The remaining inquiries consisted of 415 non-jurisdictional complaints and 555 requests for information.

The number of requests for information was the same as for last fiscal year. There was a slight decline this year in the number of non-jurisdictional complaints. There was a considerable increase in the number of jurisdictional complaints.

A comparison of inquiries received in fiscal year 2017-2018 and fiscal year 2018-2019 is presented in the following table.

#### TWO-YEAR COMPARISON

Years	Total Inquiries	Information Requests	Non-Jurisdictional Complaints	Jurisdictional Complaints		
				Total Jurisdictional	Prison Complaints	General Complaints
2018-2019	4,325	555	415	3,355	2,055	1,300
2017-2018	3,374	555	431	2,388	1,295	1,093
Numerical Change	951	0	-16	967	760	207
Percentage Change	28.2%	0.0%	-3.7%	40.5%	58.7%	18.9%

## **Staff Notes**

In November 2018, Analyst Jason Young left our office to accept a position with the City and County of Honolulu. We wish him the best in his new endeavor.

In April 2019, Sean Aronson joined our office as an Analyst. Prior to joining our team, Mr. Aronson was employed at the University of Hawaii. Mr. Aronson is a graduate of the William S. Richardson School of Law, University of Hawaii, where he received his Juris Doctor degree. He was admitted to the Hawaii State Bar Association in November 2017. Mr. Aronson also holds a Master's degree in Journalism.

In June 2019, Senior Analyst Alfred Itamura retired after more than 37 years of service with the State of Hawaii. Mr. Itamura had been employed at this office since 1982 and was the last appointee of Herman Doi, the first Ombudsman. Mr. Itamura was a valuable asset with a wealth of institutional knowledge. We were very fortunate to have Mr. Itamura as a team member and extend our gratitude to him for his dedication and commitment to our office.

At the end of fiscal year 2019, our office staff consisted of Ombudsman Robin Matsunaga; First Assistant Melissa Chee; Analysts Herbert Almeida, Sean Aronson, Rene Dela Cruz, Yvonne Jinbo, Gansin Li, Marcie McWayne, and Ryan Yeh; Administrative Services Officer Cindy Yee; and Administrative Assistants Sheila Alderman, Carliza Elido, and Debbie Goya.

## **Staff Activities**

In September 2018, the United States Ombudsman Association (USOA) held its 39th Annual Conference in Portland, Oregon. This conference continues to provide the most relevant training for public sector ombudsman offices that investigate complaints about administrative acts of government agencies. In addition to providing new ideas and tools for handling complaints, it provides attendees opportunities to network with peers for technical and moral support. Ombudsman Robin Matsunaga was one of several instructors who conducted a two-day training workshop for persons entering the role of a government ombudsman. Other conference attendees from our office included First Assistant Melissa Chee and Analysts Ryan Yeh and Jason Young.

Our office provided the Election Advisory Council (EAC) with a representative to serve as an official observer during the 2018 State election. Analyst Marcie McWayne attended several training sessions in order to prepare for her duties. Ms. McWayne witnessed firsthand how the electoral

process could be both secure and open. Her participation as an official observer helped ensure the honesty and efficiency that Hawaii's citizens expect from the officials who conduct the elections.

In January 2019 via videoconference, Ombudsman Robin Matsunaga met with Richard Sawle, Principal Complaints Commissioner of the Falkland Islands, to discuss the complaint handling process and standards of practice for governmental ombudsman offices. The Principal Complaints Commissioner position, established in the Constitution of the Falkland Islands in January 2009 and by ordinance in May 2010, performs a similar role to that of an Ombudsman in the United Kingdom. The discussion was comprehensive, covering all facets of the structure, powers, and protections of the two offices, and educational for both Ombudsman Matsunaga and Mr. Sawle.

In January 2019, Ombudsman Robin Matsunaga discussed with Professor Laurence Marks of Northwestern University a proposal to create an ombudsman office at the university. This telephone discussion was followed by a conference call in February 2019 with the Northwestern University Ombuds Program Taskforce, where Ombudsman Matsunaga explained how he would respond to a variety of issues that could come up in a university setting and provided his perspective on questions from the Taskforce, including:

- What should the ombudsman's role be in investigating allegations of behavior that would constitute a policy violation? Should it be simply to alert or refer issues to the appropriate investigatory office, or should the ombudsman have the institutional authority to fully investigate and adjudicate?
- If the ombudsman's role is limited in investigatory authority, then what can be done to ensure sufficient institutional authority so that the office is visible and respected?
- If conversations cannot be kept confidential and could result in either a formal investigatory action or disciplinary proceeding, how can the ombudsman ensure trust among constituents?

At the close of the fiscal year, the Taskforce was continuing to move forward in its effort to create an ombudsman office.

In May 2019, the USOA conducted an election for Directors for the 2019-2021 USOA Board. Ombudsman Robin Matsunaga was re-elected to another two-year term on the USOA Board. This will be Ombudsman Matsunaga's tenth term as a Director of the USOA Board.



## CHAPTER V

### STATISTICAL TABLES

#### Description of Terms Used in Statistical Tables

The statistical tables provide information on two basic types of **inquiries** – information requests and complaints.

**Information requests** are inquiries regarding matters not related to the operations of our office for which we provide a response or referral, such as to another government agency or a private entity. Thus, requests for records and queries regarding our office's function, jurisdiction, etc., are not included in this statistic.

There are two types of **complaints** - jurisdictional and non-jurisdictional. A **jurisdictional** complaint is one that our office is authorized to investigate; that is, a complaint about an administrative act of a Hawaii state executive branch or county agency, except for the governor, lieutenant governor, and county mayors and councils. All other complaints are **non-jurisdictional**. For a non-jurisdictional complaint, we try to refer the complainant to a governmental agency or private entity that we believe may be able to help the complainant.

Table 6 provides statistical information on the **disposition of jurisdictional complaints**. Our office has authority to decide whether to investigate or not investigate a jurisdictional complaint. There are four ways that a jurisdictional complaint may be disposed of - declined, assisted, discontinued, or completed. Complaints that are still open at the close of the fiscal year are reported as **pending** complaints.

A **declined** complaint is one that we determine is not appropriate for investigation by our office at the time the complaint is received. There are various reasons why we may decline to investigate, the most common of which are that there is a formal administrative appeal process that the complainant should use; the complainant has not yet attempted to informally resolve the complaint with the agency; or the action being complained of occurred too long ago. We also decline to investigate secondhand complaints due to concerns about the accuracy of information provided by the complainant and because we do not know if the aggrieved individual wants our office to investigate.

An **assisted** complaint is one that we determine is not appropriate for investigation, but due to the nature of the complaint, we contact the agency the complaint is against, inform it of the nature of the complaint, and ask it to contact the complainant directly to address the matter. We invite the complainant to contact us again if the complainant does not hear from the agency or is unable to resolve the complaint.

A **discontinued** complaint is one that we decide to investigate based on the nature and circumstances of the complaint, but for certain reasons we do not investigate to completion. Reasons for discontinuing an investigation include when the complainant withdraws the complaint or fails to submit additional information that is required to properly investigate the complaint, or no further action is required because the complaint is resolved.

A **completed investigation** is one in which we conducted a full and thorough investigation and arrived at a finding. Table 7 provides information on the disposition of the completed investigations, which are reported as either substantiated or not substantiated.

A **not substantiated** complaint is one in which we determine that the agency's actions were in accordance with the law and were appropriate and reasonable. We include in this category for statistical purposes complaints that were investigated to completion but for which there was insufficient evidence to determine whether the complaint was substantiated or not substantiated.

A **substantiated** complaint is one that in which we determined that the agency did not act properly or reasonably, based on the preponderance of the evidence. For substantiated complaints, we report if the complaint is rectified or not rectified.

A complaint is **rectified** when the agency complies with our recommendation and the desired remedy is provided to the complainant and/or action is taken to prevent similar problems from arising in the future. A complaint is **not rectified** when the agency does not adopt our recommendation or when we are unable to make a recommendation because no resolution is possible.

## **Fifty Years of Cases**

During the past 50 years, the office received over 227,000 inquiries. Over 147,000 of these inquiries were jurisdictional complaints. Of the remaining inquiries, approximately 23,000 were non-jurisdictional complaints and almost 57,000 were information requests. The accompanying Exhibit A shows the changes in the office's workload over the past half century. Exhibit B shows the dispositions of the jurisdictional complaints we received.

Please be aware that beginning with the 1999-2000 fiscal year, our office expanded and refined the classification of complaint dispositions to more accurately reflect the disposition.

Exhibit A - Annual Work Load 1969 -2019

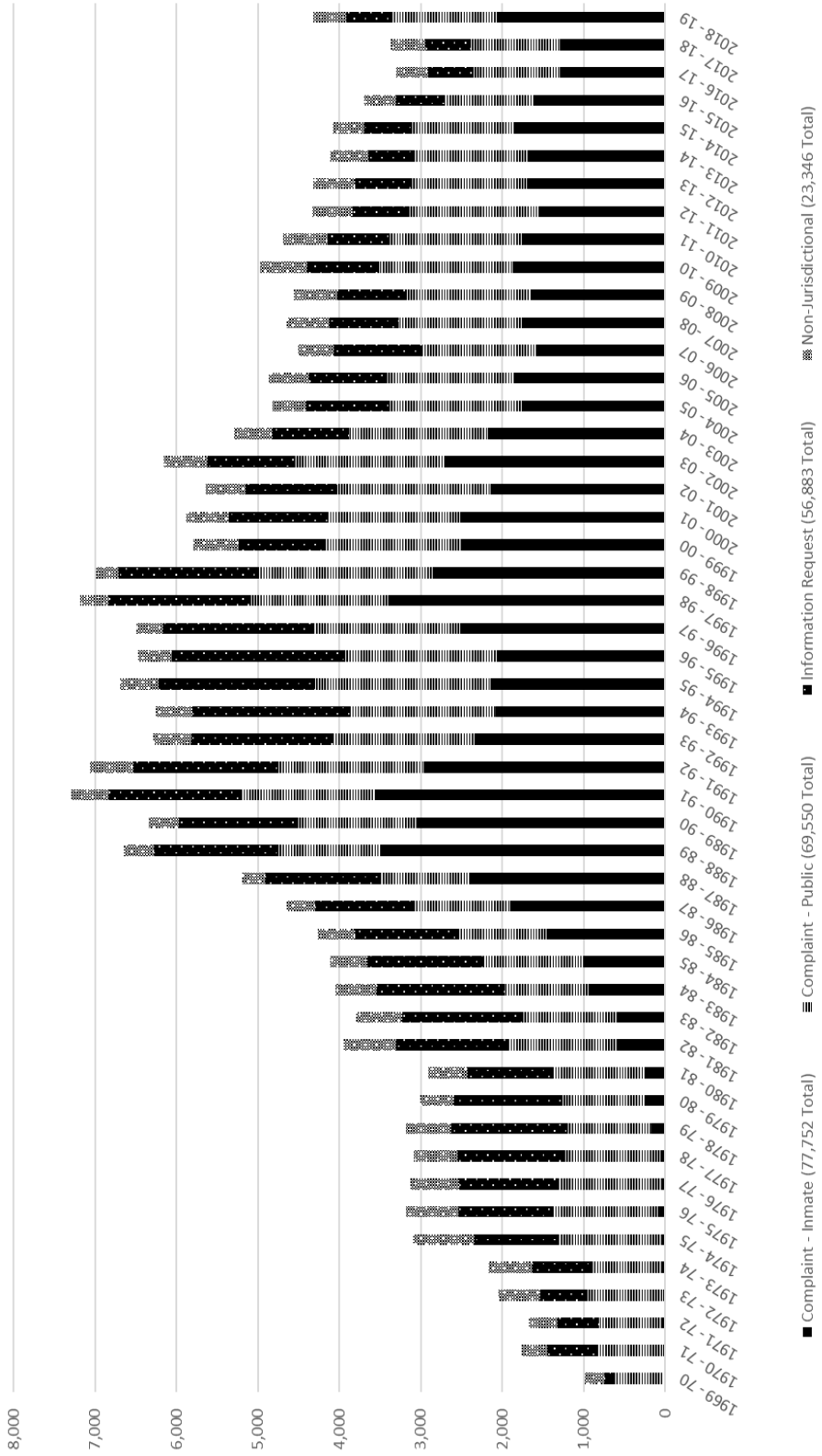
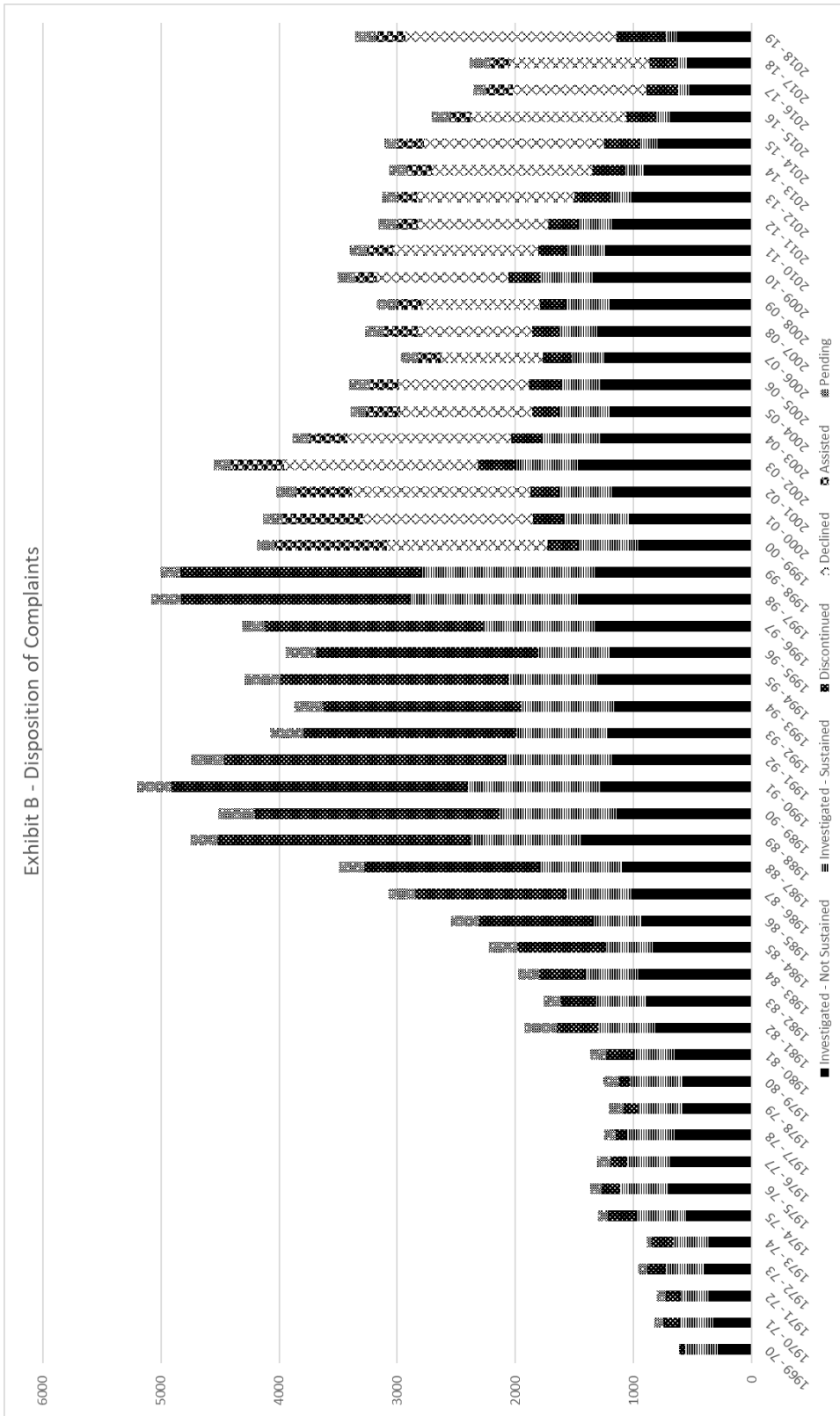




Exhibit B - Disposition of Complaints





For all tables, the percentages may not add up to a total of 100% due to rounding.

**TABLE 1**  
**NUMBERS AND TYPES OF INQUIRIES**  
**Fiscal Year 2018-2019**

Month	Total Inquiries	Jurisdictional Complaints	Non-Jurisdictional Complaints	Information Requests
July	360	259	32	69
August	305	221	36	48
September	319	248	26	45
October	400	315	30	55
November	279	221	34	24
December	311	248	26	37
January	393	310	40	43
February	430	340	38	52
March	340	265	37	38
April	461	359	45	57
May	388	306	38	44
June	339	263	33	43
TOTAL	4,325	3,355	415	555
% of Total Inquiries	--	77.6%	9.6%	12.8%



**TABLE 2**  
**MEANS BY WHICH INQUIRIES ARE RECEIVED**  
**Fiscal Year 2018-2019**

Month	Telephone	Mail	Email	Fax	Visit	Own Motion
July	323	9	25	1	1	1
August	273	14	16	1	1	0
September	263	20	23	0	13	0
October	321	30	37	0	8	4
November	245	13	18	0	3	0
December	262	20	20	0	8	1
January	360	5	20	0	6	2
February	376	17	33	1	3	0
March	292	18	24	0	6	0
April	389	32	34	0	6	0
May	337	6	38	1	4	2
June	293	21	23	0	2	0
TOTAL	3,734	205	311	4	61	10
% of Total Inquiries (4,325)	86.3%	4.7%	7.2%	0.1%	1.4%	0.2%



**TABLE 3**  
**DISTRIBUTION OF POPULATION AND**  
**INQUIRERS BY RESIDENCE**  
**Fiscal Year 2018-2019**

Residence	Population*	Percent of Total Population	Total Inquiries	Percent of Total Inquiries
City & County of Honolulu	980,080	69.0%	3,101	71.7%
County of Hawaii	200,983	14.1%	441	10.2%
County of Maui	167,295	11.8%	496	11.5%
County of Kauai	72,133	5.1%	55	1.3%
Out-of-State	--	--	232	5.4%
TOTAL	1,420,491	--	4,325	--

\*Source: The State of Hawaii Data Book 2017, A Statistical Abstract. Hawaii State Department of Business, Economic Development, and Tourism, Table 1.06, "Resident Population, by County: 2000 to 2018."





**TABLE 4**  
**DISTRIBUTION OF TYPES OF INQUIRIES**  
**BY RESIDENCE OF INQUIRERS**  
**Fiscal Year 2018-2019**

Residence	TYPES OF INQUIRIES					
	Jurisdictional Complaints		Non-Jurisdictional Complaints		Information Requests	
	Number	Percent of Total	Number	Percent of Total	Number	Percent of Total
C&C of Honolulu	2,402	71.6%	251	60.5%	448	80.7%
County of Hawaii	356	10.6%	45	10.8%	40	7.2%
County of Maui	415	12.4%	50	12.0%	31	5.6%
County of Kauai	47	1.4%	5	1.2%	3	0.5%
Out-of-State	135	4.0%	64	15.4%	33	5.9%
TOTAL	3,355	--	415	--	555	--



**TABLE 5**  
**MEANS OF RECEIPT OF INQUIRIES**  
**BY RESIDENCE**  
**Fiscal Year 2018-2019**

Residence	Total Inquiries	Means of Receipt					
		Telephone	Mail	Email	Fax	Visit	Own Motion
C&C of Honolulu	3,101	2,717	110	204	1	59	10
% of C&C of Honolulu	--	87.6%	3.5%	6.6%	0.0%	1.9%	0.3%
County of Hawaii	441	387	4	48	2	0	0
% of County of Hawaii	--	87.8%	0.9%	10.9%	0.5%	0.0%	0.0%
County of Maui	496	473	2	21	0	0	0
% of County of Maui	--	95.4%	0.4%	4.2%	0.0%	0.0%	0.0%
County of Kauai	55	49	0	6	0	0	0
% of County of Kauai	--	89.1%	0.0%	10.9%	0.0%	0.0%	0.0%
Out-of- State	232	108	89	32	1	2	0
% of Out- of-State	--	46.6%	38.4%	13.8%	0.4%	0.9%	0.0%
TOTAL	4,325	3,734	205	311	4	61	10
% of Total	--	86.3%	4.7%	7.2%	0.1%	1.4%	0.2%



**TABLE 6**  
**DISTRIBUTION AND DISPOSITION OF**  
**JURISDICTIONAL COMPLAINTS BY AGENCY**  
**Fiscal Year 2018-2019**

Agency	Juris- dictional Complaints	Percent of Total	Completed Investigations		Discon- tinued	Declined	Assisted	Pending
			Substan- tiated	Not Substan- tiated				
<u>State Departments</u>								
Accounting & General Services	23	0.7%	3	2	3	12	2	1
Agriculture	6	0.2%	1	3	1	1	0	0
Attorney General	41	1.2%	1	4	5	24	6	1
Budget & Finance	44	1.3%	1	5	7	23	8	0
Business, Economic Devel. & Tourism	6	0.2%	0	0	2	4	0	0
Commerce & Consumer Affairs	40	1.2%	0	10	7	19	2	2
Defense	4	0.1%	0	0	2	0	2	0
Education	71	2.1%	2	9	22	29	3	6
Hawaiian Home Lands	7	0.2%	0	1	3	2	0	1
Health	95	2.8%	3	17	14	39	18	4
Human Resources Development	8	0.2%	0	0	1	2	0	5
Human Services	239	7.1%	16	34	37	98	43	11
Labor & Industrial Relations	81	2.4%	1	13	14	36	13	4
Land & Natural Resources	42	1.3%	0	13	8	16	4	1
Office of Hawaiian Affairs	1	0.0%	0	0	0	1	0	0
Public Safety	2,200	65.6%	58	459	233	1,222	112	116
Taxation	33	1.0%	0	0	4	20	9	0
Transportation	67	2.0%	3	10	7	37	2	8
University of Hawaii	39	1.2%	1	2	10	26	0	0
Other Executive Agencies	0	0.0%	0	0	0	0	0	0
<u>Counties</u>								
City & County of Honolulu	228	6.8%	2	45	29	122	19	11
County of Hawaii	53	1.6%	0	9	3	32	4	5
County of Maui	21	0.6%	0	1	5	14	0	1
County of Kauai	6	0.2%	0	0	0	5	1	0
<b>TOTAL</b>	<b>3,355</b>	<b>--</b>	<b>92</b>	<b>637</b>	<b>417</b>	<b>1,784</b>	<b>248</b>	<b>177</b>
% of Total Jurisdictional Complaints	--	--	2.7%	19.0%	12.4%	53.2%	7.4%	5.3%



**TABLE 7**  
**DISTRIBUTION AND DISPOSITION OF SUBSTANTIATED**  
**JURISDICTIONAL COMPLAINTS BY AGENCY**  
**Fiscal Year 2018-2019**

Agency	Substantiated Complaints	Complaints Rectified	Not Rectified/ No Action Necessary
<u>State Departments</u>			
Accounting & General Services	3	3	0
Agriculture	1	1	0
Attorney General	1	1	0
Budget & Finance	1	1	0
Business, Economic Devel. & Tourism	0	0	0
Commerce & Consumer Affairs	0	0	0
Defense	0	0	0
Education	2	2	0
Hawaiian Home Lands	0	0	0
Health	3	3	0
Human Resources Development	0	0	0
Human Services	16	13	3
Labor & Industrial Relations	1	1	0
Land & Natural Resources	0	0	0
Office of Hawaiian Affairs	0	0	0
Public Safety	58	53	5
Taxation	0	0	0
Transportation	3	3	0
University of Hawaii	1	1	0
Other Executive Agencies	0	0	0
<u>Counties</u>			
City & County of Honolulu	2	2	0
County of Hawaii	0	0	0
County of Maui	0	0	0
County of Kauai	0	0	0
TOTAL	92	84	8
% of Total Substantiated Jurisdictional Complaints	--	91.3%	8.7%
% of Total Completed Investigations (729)	12.6%	11.5%	1.1%





**TABLE 8**  
**DISTRIBUTION OF INFORMATION REQUESTS**  
**Fiscal Year 2018-2019**

Agency	Information Requests	Percent of Total
<u>State Departments</u>		
Accounting & General Services	12	2.2%
Agriculture	1	0.2%
Attorney General	1	0.2%
Budget & Finance	15	2.7%
Business, Economic Devel. & Tourism	2	0.4%
Commerce & Consumer Affairs	31	5.6%
Defense	0	0.0%
Education	3	0.5%
Hawaiian Home Lands	0	0.0%
Health	27	4.9%
Human Resources Development	0	0.0%
Human Services	19	3.4%
Labor & Industrial Relations	7	1.3%
Land & Natural Resources	10	1.8%
Office of Hawaiian Affairs	1	0.2%
Public Safety	96	17.3%
Taxation	2	0.4%
Transportation	11	2.0%
University of Hawaii	4	0.7%
Other Executive Agencies	6	1.1%
<u>Counties</u>		
City & County of Honolulu	89	16.0%
County of Hawaii	7	1.3%
County of Maui	4	0.7%
County of Kauai	1	0.2%
Miscellaneous	206	37.1%
<b>TOTAL</b>	<b>555</b>	<b>--</b>



**TABLE 9**  
**DISTRIBUTION OF NON-JURISDICTIONAL COMPLAINTS**  
**Fiscal Year 2018-2019**

Jurisdictional Exclusions	Number of Complaints	Percent of Total
Collective Bargaining	12	2.9%
County Councils	2	0.5%
Federal Government	23	5.5%
Governor	5	1.2%
Judiciary	60	14.5%
Legislature	11	2.7%
Lieutenant Governor	1	0.2%
Mayors	5	1.2%
Multi-State Governmental Entity	0	0.0%
Private Transactions	289	69.6%
Miscellaneous	7	1.7%
TOTAL	415	--



**TABLE 10**  
**INQUIRIES CARRIED OVER TO FISCAL YEAR 2018-2019 AND**  
**THEIR DISPOSITIONS, AND INQUIRIES CARRIED OVER**  
**TO FISCAL YEAR 2019-2020**

Types of Inquiries	Inquiries Carried Over to FY 18-19	Inquiries Carried Over to FY 18-19 and Closed During FY 18-19	Balance of Inquiries Carried Over to FY 19-20	Inquiries Received in FY 18-19 and Pending	Total Inquiries Carried Over to FY 19-20
Non-Jurisdictional Complaints	1	1	0	2	2
Information Requests	2	2	0	1	1
Jurisdictional Complaints	191	179	12	177	189
		<u>Disposition of Closed Complaints:</u>  Substantiated        29 Not Substan.        128 Discontinued        22 <hr/> 179			
TOTAL	194	182	12	180	192



## **Chapter VI**

### **SELECTED CASE SUMMARIES**

The following are summaries of selected cases investigated by the office. Each case summary is listed under the State government department or the county government involved in the complaint or inquiry. Although some cases involved more than one department or involved both the State and the county, each summary is placed under what we believe to be the most appropriate agency.





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## DEPARTMENT OF HEALTH

**(18-02958) Vital Statistics would not amend erroneous Social Security Number on death certificate.** The Vital Statistics Office (VSO) of the Office of Health Status Monitoring, a unit of the Department of Health (DOH), is tasked with receiving and preserving vital records, including birth and death certificates, for events that occurred in Hawaii. Access to vital records is restricted by statute and certified copies of these records may be issued only to authorized individuals for specific purposes. Vital records on file with the VSO may be amended with information changes, corrections, additions, deletions, or substitutions, upon submission of the required documentation.

The complainant, a friend of a deceased person, contacted the VSO for a copy of the deceased's death certificate. The complainant was the beneficiary of the deceased's individual retirement account (IRA) proceeds and needed to provide a copy of the death certificate to the IRA administrator. The VSO provided the complainant with a copy of the death certificate and the complainant sent it to the IRA administrator. While verifying the information on the death certificate, the IRA administrator found that the Social Security Number (SSN) listed on the death certificate did not match the number they had on file for the deceased. The administrator notified the complainant of this discrepancy and refused to release the proceeds of the IRA.

The complainant was able to confirm that the information on the death certificate was incorrect because he was in possession of the deceased's Social Security card. The complainant notified the VSO of the error, provided the VSO with a copy of the deceased's Social Security card, and requested that it amend the death certificate with the correct SSN. However, the VSO informed the complainant that it could not comply with the complainant's request to amend the death certificate because the SSN listed on the death certificate had been provided to the VSO by a mortuary via the Department of Human Services (DHS). The VSO told the complainant that it would only consider a request for correction that was submitted by the DHS, a surviving spouse, or a next of kin, along with documentary evidence supporting the requested correction.

At this point, the complainant contacted our office about the VSO's refusal to amend the death certificate. The complainant also informed us that the deceased had no surviving spouse or next of kin.

In our investigation, we reviewed Section 3, Vital Statistics Registration and Records, Public Health Regulations Chapter 8B, DOH, titled “Amendment of Vital Records,” which stated in relevant part:

. . . .

### 3.10 Documentary Proof Requirements for Amendments

. . . .

- B. *Major administrative amendments.* An affidavit from the person requesting the amendment plus documentary proof corroborating the information to be corrected. . . . The state registrar shall decide which type of document or documents is acceptable in a particular case.

. . . .

- D. The state registrar shall have discretionary authority to determine acceptability of all documents submitted in connection with amendments and supplementary certificates.

We contacted the VSO to find out why it believed the complainant had not provided sufficient documentary proof for an amendment to the deceased’s death certificate. The VSO informed us that requests for corrections to vital records must come from either the person named on the record, or in the case of a death certificate, from the deceased’s relative or the informing party, or by court order. The VSO also noted that it had no way of verifying whether the Social Security card provided by the complainant was actually that of the deceased person. Thus, in this particular case, the VSO believed the amendment request should come from the informant, specifically the Med-QUEST Division (MQ) of the DHS. We found this to be reasonable and in accordance with the administrative rules, and therefore, we found this complaint was not substantiated.

Nevertheless, we still believed there was evidence that the deceased’s death certificate may have erroneous information. Thus, we continued the investigation to determine whether an error had really occurred and if so, what party should petition the VSO for an amendment of the death certificate.

We learned that since the deceased had passed as an unclaimed body, without next of kin or a funeral/burial plan, the MQ had provided death

payment benefits to cover the cost of mortuary and crematory services. The MQ confirmed that it was the informant to the VSO for the passing of the deceased. However, the MQ informed us that it had only received the SSN information for the deceased from the report of the county Medical Examiner (ME). The MQ offered to do an internal investigation and report back to us.

Following further review and verification with the Social Security Administration (SSA), the MQ reported that the SSN listed on the ME's report and death certificate actually belonged to someone other than the deceased. The MQ also confirmed, through the SSA, that the SSN the SSA had on file for the deceased matched the SSN on the Social Security card that was in the possession of the complainant.

We explained to the MQ that the VSO would only amend the SSN on the deceased's death certificate if an affidavit requesting the correction was produced. After some consideration, the MQ declined to produce the affidavit because it believed the error had not originated with its office. The MQ believed that since the initial recording of the deceased's SSN was entered by the ME, that office should produce the affidavit. While we understood the MQ's position, we asked the MQ to contact the ME's office to discuss the error and the production of the affidavit. The MQ agreed to do so.

We were subsequently informed by the MQ that the ME had agreed to provide the VSO with the affidavit requesting amendment of the SSN on the deceased's death certificate. We informed the VSO to expect the affidavit from the ME's office and continued to monitor this case until the VSO informed us that the death certificate amendment had been completed.

In order to determine how the ME's office erred while recording the SSN of the deceased, we also contacted that agency. The ME's office informed us that it gathers reports and information on unclaimed bodies and processes the "Death Payments Program Application for An Unclaimed Body" form (DHS 1164) for each unclaimed individual in batches, using a fillable DHS 1164 form on its computers. In this particular case, the SSN for another individual, whose DHS 1164 application had been processed by the ME staff on the same day, had inadvertently been carried over to the deceased's application, which in turn, was submitted to the MQ, then to the VSO. We verified that the ME did in fact have the correct SSN on file at the time the error was made.

We informed the complainant that we did not substantiate the complaint against the VSO, as we learned that the erroneous SSN information that was provided to the VSO had originated from the ME's office. However, we informed him that we were able to facilitate communication and cooperation between the other agencies involved in

order to get the error corrected. The complainant expressed his appreciation for our assistance and the favorable outcome.

Complex cases like this, which involve actions of multiple agencies in State and county government, illustrate the necessity and value of the Office of the Ombudsman.

## **DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

### **(18-02415) Labor and Industrial Relations Appeals Board not taking sufficient action to resolve backlog of written hearing decisions.**

While investigating a complaint against the Labor and Industrial Relations Appeals Board (LIRAB), Department of Labor and Industrial Relations (DLIR), we learned that the agency had a significant number of cases that had been heard but were still awaiting written decisions to be completed. We were not aware of any law that required the LIRAB to issue written decisions within a certain time period, but some of the cases still awaiting written decisions had been heard years ago. Since new hearings were being held by the LIRAB each month, we decided to initiate an investigation to review what the agency was doing to eliminate the backlog of written hearing decisions.

We discussed the complaint with the LIRAB to learn more about its post-hearing procedures for writing decisions. While the agency was already working diligently to issue hearing decisions on the oldest of cases, it believed one of the best ways to reduce the overall backlog and decrease the length of time for issuing all hearing decisions was to restore staff attorney positions that had been cut from their budget. We were informed that in 2010, the number of staff attorneys was decreased by three positions due to budget cuts. Since then, only one staff attorney position had been restored. Based on our review of the agency's post-hearing procedures, we agreed that the LIRAB could issue hearing decisions faster and could reduce the backlog with the addition of staff attorneys.

It appeared from our review of the LIRAB budget request history that over the last few years, the agency had focused on restoring clerical positions rather than staff attorney positions. However, we believed the backlog issue was important enough that the LIRAB should have continued earnest requests to restore the lost staff attorney positions.

We recommended that the LIRAB renew its request for staff attorney positions in the coming fiscal year's budget request. The agency agreed and created a proposal to restore two positions in the upcoming fiscal year.

The Director of the DLIR partially approved the LIRAB's request and included the restoration of one of the staff attorney positions in the department's budget request to the Governor. The Governor included this request in his final operating budget request to the 2019 Legislature. The Legislature approved the Governor's budget and thus, a LIRAB staff attorney position will be restored for the coming fiscal year.

## DEPARTMENT OF PUBLIC SAFETY

**(18-01154) Inmate not given 21-day grace period for room and board payments while on work furlough.** An inmate in the custody of the Department of Public Safety (PSD) complained that the facility charged him a total of \$126 for room and board for the first 21 days of his furlough program employment. He believed that the facility was supposed to provide inmates who were on work furlough for the first time a 21-day grace period in which it did not charge for room and board.

We reviewed PSD Policy No. COR.14.15, titled "Inmate Furlough Program," effective January 6, 2017, which stated in part:

### **7.0 GUIDELINES**

#### **.1 General Furlough Rules and Regulations**

. . . .

- j. Inmates who receive regular monetary compensation as a result of work . . . shall . . . contribute in part or in whole, toward their individual subsistence . . . .

We also reviewed the complainant's furlough agreement with the facility, which listed the effective date of his furlough employment as October 25, 2017. The furlough agreement stated in part:

- 10. Furloughee who has initially been sequentially phased into the work furlough program will be assessed for room and board payments twenty-one (21) calendar days after the first day of work. Any furloughee who was previously suspended or terminated from work furlough will be assessed room and board payments starting on the day he/she commences work furlough.

Although there was no specific language about a 21-day grace period in the policy, the January 6, 2017, version of Policy COR.14.15 did require inmates to pay for their individual subsistence (room and board) “in part or in whole.” Therefore, we found the 21-day grace period for room and board payments described in the furlough agreement to be in accordance with the policy above.

When we notified the facility staff of this complaint, they informed us that they believed the \$126 charge was appropriate due to an amendment of Policy COR.14.15 just a few days before the complainant contacted our office. The new policy, effective November 3, 2017, now stated in part:

## **7.0 GUIDELINES**

### **.1 General Furlough Rules and Regulations**

. . . .

- I. Inmates who receive regular monetary compensation as a result of work . . . shall . . . contribute in whole, toward their individual subsistence . . . .

The facility staff stated that since inmates were now required to contribute “in whole” to their individual subsistence, the facility could no longer provide inmates the 21-day grace period for room and board payments. Thus, the facility had charged the complainant \$6 a day for room and board from the date his employment started (October 25, 2017).

Since the complainant started the furlough program on October 25, 2017, we believed the January 6, 2017, version of the policy, rather than the November 3, 2017, version of the policy, should apply to his furlough participation. Therefore, we found that the facility should have applied the full 21-day grace period to his furlough participation. We informed the facility staff of our determination and recommended that they refund the complainant \$126 for room and board from October 25 to November 14, 2017. After further consideration, the facility staff agreed to do so.

We notified the complainant of our findings and the action taken by the facility.

In addition, since the facility’s furlough agreement form still contained the provision regarding the 21-day grace period, we also recommended that the facility remove this language from the form. The PSD informed us that it was already in the process of revising the furlough agreement form for all facilities statewide and thus, the provision would be removed.



**(18-01389) Adult corrections officer confiscated inmate's walking cane without medical consultation.** A physician at a correctional facility medical unit (MU) issued an inmate suffering from rheumatoid arthritis in his knee a medical memo allowing him to use a walking cane. The inmate informed us that his knee had been feeling better lately so he had been trying not to use the cane while walking short distances. The inmate complained that an adult corrections officer (ACO) who saw him walking without the cane questioned the inmate's need for the cane and then confiscated it. Although we did not have the medical expertise to determine whether the complainant still had a medical necessity for the cane, we agreed to investigate whether it was reasonable for the ACO to have confiscated the cane.

We contacted the MU and confirmed that a physician had issued a medical memo allowing the complainant to possess and use a walking cane. The MU also informed us that the memo was still valid, but facility security personnel had determined that they would not allow the cane to be returned to the complainant because it could also be used as a weapon or to hide contraband. The MU also informed us that a physician would be reviewing the complainant's condition soon.

We interviewed the ACO who confiscated the complainant's walking cane. He confirmed that he had confiscated the walking cane because he had observed the complainant walking without it. He informed us that he had not contacted anyone at the MU prior to confiscating the cane, but he had taken it to the MU afterwards to report his observations.

We reviewed Department of Public Safety (PSD) Policy COR.10.1G.10, titled "Assistive Devices/Aids to Impairment." Section COR.10.1G.10.4.1 stated:

Prostheses, orthoses or mechanical devices shall be searched during intake, including the removal of the device, if necessary. The Health Care Section (HCS) shall be notified immediately when a device is to be confiscated. A physician shall determine the medical necessity of the device. If deemed not medically necessary, it will be removed, recorded and managed as an item of the patient's property. (Emphasis added.)

This policy requires intake personnel to immediately notify the MU of their intent to confiscate an assistive device to allow a medical provider to determine if the assistive device is medically necessary. The policy suggests that if the device is deemed to be medically necessary, it shall not be confiscated.

While we acknowledged the ACO's concerns about allowing the inmate to possess the walking cane, we believed that barring an immediate threat, consultation with a medical provider prior to confiscation of such an assistive device, as is required during the intake process, should occur any time security personnel believe the device should be confiscated. Thus, we found that even though the ACO was not required by policy to do so, he should have notified the MU of his observations before actually confiscating the inmate's cane. We discussed this finding with the facility Chief of Security, who agreed with our assessment and counseled the officer on his conduct.

Since Policy COR.10.1G.10 did not specifically address the act of confiscating assistive devices from inmates who were already admitted into the facility, we also asked the facility warden to issue a memo to all staff requiring them to consult with the MU before confiscating any assistive device. The warden agreed and promptly issued the memo.

We also asked the PSD Administration to consider revising Policy COR.10.1G.10 to include language similar to the warden's memo. The administration agreed with our suggestion but informed us that policy revisions sometimes take a while to complete. Therefore, in the interim, we requested the Institutions Division Administrator to issue a similar memo to all facilities statewide.

Shortly after we began our investigation, the facility returned the confiscated walking cane to the complainant. At the end of our investigation, the complainant was satisfied to hear that the PSD had taken further action to prevent what happened to him to happen to other inmates.

**(19-00227) Emergency room medical bill not processed by the department.** An inmate complained that a Department of Public Safety (PSD) correctional facility had not paid a bill for medical services he had received at a hospital emergency room (ER) over a year ago. The complainant stated that he had submitted all of the bills he had received from the ER doctor to the correctional facility's health care unit (HCU) for payment, but he continued to receive notices in the mail informing him that the bill had yet to be paid. The notices informed the complainant that if not paid, the bill would be turned over to a debt collection agency.

During the course of our investigation, we learned that each inmate receives an informational brochure from the PSD Health Care Services Division (HCSO). One section of this brochure informs inmates that if they receive bills for services that were ordered by the HCU during their

incarceration, they are to immediately forward the bills to their facility HCU for payment. We confirmed that the complainant had followed these instructions.

The HCSD informed us that it had already submitted the bill to the department's insurance carrier for payment and that it was not aware of any problems with this particular bill. The HCSD further informed us that if the insurance carrier had any questions about the bill, it was supposed to contact the ER doctor directly. Thus, the HCSD agreed to contact the doctor's office about this issue. The HCSD subsequently informed us that the ER doctor's staff was uncertain of the complainant's status as an incarcerated individual at the time of treatment, so the department's insurance carrier had rejected payment. Thus, the ER doctor continued to send bills to the complainant directly. The HCSD provided the ER doctor with confirmation that the complainant was incarcerated at the time of treatment and said that the ER doctor was also sending the HCSD a claim form to fill out. The HCSD assured us that it would contact its insurance carrier about payment for this bill and that the complainant would no longer receive bills for this service.

However, approximately three months later, the complainant contacted us again and informed us that he was still receiving bills from the ER doctor for this service. We contacted the HCSD again and after researching the matter, the staff member we spoke to admitted that the staff member had failed to follow through with the insurance company after our previous conversation. The HCSD staff member informed us that the matter would be taken care of this time, but we continued to monitor the agency's actions until we received confirmation that the bill had been successfully submitted to the insurer for payment.

We found the length of time it took the PSD to resolve this matter to be unreasonable and thus, we reported to the complainant that we had substantiated the complaint.

**(19-02187) Minimum and maximum sentences not calculated.** In January 2019, an inmate contacted us to complain that the Hawaii Paroling Authority (HPA) had not yet scheduled a hearing to set his minimum term of imprisonment, even though he had been sentenced in 2017. We were aware that an inmate's minimum term of imprisonment was supposed to be set by the HPA within six months of the filing of the court's sentencing order, pursuant to Section 706-669 of the Hawaii Revised Statutes (HRS). However, since the complainant had not yet contacted the HPA regarding this matter, we asked him to address his concern with that agency first.

After talking to the HPA, the complainant called us back and informed us that the HPA claimed he was not in the “system” and thus, it had never heard of the inmate. He said that the HPA would investigate the matter further if he provided a written explanation of his circumstances. We found this to be reasonable and recommended that he work with the HPA to resolve this complaint. We informed the complainant that he could call us again if he was not satisfied with the HPA’s response.

However, because of the amount of time that passed since the complainant was sentenced (over one year), apparently without notice to the HPA, we decided to initiate an investigation to find out whether there were any errors in the handling of the complainant’s sentencing documents by the Department of Public Safety (PSD).

PSD policies require a correctional facility to document the presentence credits for inmates in its custody on a reporting form and to compute the inmate’s maximum term of imprisonment. The policies also require that the facility send a copy of the presentence credit report to the HPA within one month of the inmate’s sentencing so that the HPA can begin preparations to hold a hearing to set the inmate’s minimum term of imprisonment within the six-month deadline imposed by Section 706-669, HRS.

During our investigation, we learned that the HPA will generally begin entering inmate information into its database system when the HPA receives the inmate’s sentencing order from the court. If for some reason the HPA receives the presentence credit report for an inmate from the facility before it receives the inmate’s sentencing order, HPA staff are prompted to contact either the sentencing court or the correctional facility where the inmate is housed to obtain a copy of the order. At the same time, the HPA will schedule the minimum term hearing for the inmate.

We contacted the records office at the correctional facility where the complainant was housed to see if it could send a copy of his sentencing order and presentence credit report to the HPA. However, after researching the complainant’s file, the records office informed us that it did not have a copy of the complainant’s sentencing order and thus, it never prepared a presentence credit report or sent a copy of it to the HPA. Since the HPA never received a presentence credit report, and apparently never received the sentencing order from the court, it was not alerted that the complainant had been sentenced. Therefore, it was understandable that the HPA had not yet scheduled a hearing to set the complainant’s minimum term.

Based on our inquiry, the records office informed us that it would contact the sentencing court to obtain a copy of the complainant's sentencing order, prepare the inmate's presentence credit report, and then send both documents to the HPA.

We subsequently learned that the HPA had set the complainant's minimum term. Thus, the complaint was resolved.

Due to the amount of time that had passed since the sentencing occurred and because we were not aware of other inmates who were similarly affected, it appeared to us that this was a unique circumstance and not a systemic problem, and we decided to close our investigation without determining why neither the HPA nor the correctional facility had a copy of the complainant's sentencing order.



## Appendix

### CUMULATIVE INDEX OF SELECTED CASE SUMMARIES

The following cumulative index lists all selected case summaries which appeared in our Annual Report Nos. 1 through 50. The case summaries are numerically arranged under the appropriate State department, county government, or by categories in informational and non-jurisdictional cases.

You may also view the cumulative index on our website at [ombudsman.hawaii.gov](http://ombudsman.hawaii.gov) by selecting the “Cumulative Index” link from the homepage. If you do not have access to our cumulative index via the Internet, you may contact our office to request a copy.

Department of Accounting and General Services		
Case No.	Subject	Report No.
07-03728	Personal use of State vehicles	40
07-03221	Erroneous rate of pay	38
07-00616	Parking: Electric vehicles in metered stalls	38
06-00829	Denial of inmate's tort claim	37
05-01513	Delay in payment of court-ordered judgment	36
03-03418	Lawn mowed too early	34
01-05260	Required to pay school bus fare	33
01-00458	Underage driver denied reimbursement of rental car surcharge	32
99-04002	Reimbursement for rental car payment	30
98-01533	School bus: Late buses	29
98-01061	Obtaining estimates for a tort claim	29
97-03841	Parking at Aloha Stadium for Pro Bowl	28
97-01578	Broken parking meter	28
97-01467	School bus: Termination of service without prior notice	28
97-01401	Reimbursement for donation account	28
97-01290	School bus: Tree branches blocking route	28
95-02010	Graffiti on World War II Memorial	26
94-06137	Parking: Inadequate signs	26
94-02457	Portable toilets at Aloha Stadium	25
94-00885	Reciprocity of disability parking placard	25
94-00368	Loaner while vehicle repaired	25

94-00020	Denial of tort claim	25
93-04464	Afternoon naps	24
93-02854	Bystanders soaked in sprinkler system test	24
93-02099	Bond for lost warrant required	24
92-06294	Delay in extension of baseball backstop	24
91-06509	Night construction noise at Aloha Stadium	23
88-03862	Airline credits used for personal travel	23
91-05322	Parking: Insufficient employee stalls	22
91-00647	Denial of inmate's tort claim	22
90-05358	Schools: Refuse collection	21
90-01775	Public contract: Product qualification	21
88-03172	Use of pesticides	19
87-02445	Retroactive application of Medicare portion of FICA tax	18
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85-04000	Unsafe operation of State vehicle	17
85-00712	School bus: Special education students	17
85-00913	Salary assignments	16
85-00438	Public contract: Nonenforcement of terms	16
83-03747	Public contract: Rejection of bid	15
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81-02342	Delay in payment for services rendered	12
81-01706	FICA deductions from public employees' sick leave pay	12
81-01150	Recovery of salary overpayments to State employee	12
81-00093	Excessive garnishee payments	12
80-02398	Parking: State employee parking fee differentials	12
79-02997	School bus: Suspension of driver	11
78-00311	Locating State employee	11
79-01976	Multiple list versus price list	10
79-01277	Noncompliance with contract specifications	10
79-00891	Forgery of warrant	10
79-00809	School bus: Bus pass	10
79-00228	Inspection of equipment	10
78-00604	School bus: Special education students	9
77-00455	Public contract: Open-end contracts	9
77-01997	Scheduling of hearings on matter pertaining to government employees	8
77-00801	School bus: Mileage subsidy	8
76-02379	Procedure for obtaining State Government Telephone Directory	7
75-02969	Public contract: Option to renew	7
75-01725	Schools: Access to buildings for physically handicapped	7



75-01838	Employment: Advance travel allowance policy	6
72-01689	School bus: Emotionally handicapped student	4
72-00704	Libraries (private): Circulation policy	3
72-00509	Public contract: Bidding requirements	3
72-00225	Public contract: Amending of specifications	3
72-00176	Schools: Reconditioning of a track field	3
71-01233	Schools: Maintenance of a footpath	3
71-00549	Public contract: License required to bid	2
70-01279	Parking: Reserved but unused spaces	2
70-01187	School bus: Service denied for misbehavior	2
70-01183	School bus: Lack of service	2
70-00923	School bus: Private school students	2
70-00849	Parking: Jury duty	2
70-00044	School bus: Overcrowded and poor condition	1
70-00009	Bid specifications for safety shoe contract	1
69-00225	Public contract: Bid specifications	1
69-00023	Discourteous State operator	1

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00-2351	AQS: Inadequate notice of fees	31
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95-2021	AQS: Quarantine kennels pelted with debris from grass trimmers	26
89-3177	AQS: Pet grooming	21
86-2437	Beef in commercial cold storage improperly stamped	18
86-1847	Coverup by inspector of pesticide misuse	18
85-3960	Warning notice for unsafe pesticides use	17
83-3376	Fumigation of exported fresh fruits	15
83-0015	AQS: Denial of animal quarantine exception	14
81-1422	Adoption of agricultural loan rules	16
80-0974	Declaration form	11
78-0684	AQS: Administration of medication	9
76-1283	AQS: Timely notice of public hearing	7
75-2942	Nematode certification program	7
75-2327	AQS: Dispute over fees	6
74-1870	Use of a herbicide	6
73-0613	Public contract: Terms	4
72-0666	AQS: Refund of bond posted for monkey	3
72-0178	AQS: Recovery of an auctioned dog	3
72-1715	AQS: Veterinarian's bill for treatment	4
72-1612	AQS: Requirements for Seeing Eye dogs	4

71-0590	AQS: Importation	2
70-1151	AQS: Agricultural inspections	2
69-0079	Animal Quarantine Station (AQS): 120-day requirement	1
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08-01228	Administering of injections by naturopathic physicians	39
07-03540	Erroneous notice for sex offender registration	38
06-03473	Child support: Alleged violation of Hawaii Administrative Procedure Act	37
05-03709	Child support: Confiscation of passport	36
03-01741	ID: First name on identification card	36
04-03632	Child support: Service of child support order on evasive parent	35
03-03133	Child support: Request to contest child support debt deemed untimely	35
02-01085	Child support: Bail money used to pay delinquent child support	33
01-00505	ID: Issuance to imposter	32
00-04498	Liability for citations on vehicle no longer owned	31
00-03125	ID: No receipt for payment of fees	31
99-04638	Child support: Child support and child care assistance	30
99-04341	Child support: Beyond age 18	30
99-03848	ID: Incorrect number in telephone directory	30
99-02554	Sex offender registration requirements	30
99-01219	Child support: Terminated for Job Corps student	30
97-06537	Child support: Child support and medical support	30
98-06889	Lack of notaries public listing	29
98-04614	Where to access sex offender registry	29
98-04179	Child support: Erroneous accounting	29

98-02306	Child support: Delay in modification of support order	29
98-02144	Child support: Long-distance refund	29
98-01833	Child support: Forwarding graduation announcement	29
97-04567	ID: Duplicate card	28
96-01172	Notary public: Delay in processing commissions	27
94-04324	Child support: Refusal to disburse	25
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94-02943	Child support: Payments in limbo	25
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94-00164	Child support: Premature termination	25
93-04771	Child support: Unable to return payment	24
93-02523	ID: Documentation required for duplicate ID card	24
93-02412	Child support: Erroneous delinquency notice	24
93-02353	Child support: Repeated erroneous notice of tax refund offset	24
92-05946	ID: Office hours	24
92-05198	Child support: Delay in termination upon age of majority	24
92-03902	Child support: Issuance of wage assignment orders	23
92-01877	Billed for hospital charges already paid	23
92-00331	Child support: Erroneously intercepted tax refund	23
91-06666	Child support: Failure to cancel erroneous intercepts of income tax refunds	23
91-02018	Child support: Payment of copying fees	23
91-01716	Child support: Difficulty settling obligations	22
91-01022	Child support: Nonreceipt due to payor's unemployment	22
90-05880	Child support: Erroneously sent to DHS	22
90-01678	Child support: Insufficient child support disbursement	21
89-06371	Child support: Erroneous delinquent balance	21
89-03175	Child support: Erroneous delinquency notice	20
88-04441	Child support: Administrative review of State tax return intercept	20
88-04581	Child support: Delay in receipt of payments	19
88-03510	Child support: Erroneous delinquency notice	19
88-02819	Child support: Improper State tax return intercept	19
88-01554	Child support: Delay in receipt of pass-through payment	19

87-00468	Child support: Delay in payment of child support pass-through	18
86-03968	Child support: Improper withholding of State tax refund	18
86-03538	Denial of tort claim	18
85-02977	Child support: Delayed pass-through payments	17
85-02740	Child support: Withholding income tax refund for delinquent child support payments	16
84-01435	Denial of tort claim	15
81-02096	Expungement of record of arrest	13
81-02009	ID: Discriminatory practice in requiring proof of marriage	12
80-00270	ID: Use of archaic term	11
78-00365	ID: Card in maiden name	9
74-01946	Payment for court transcripts	5
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74-01017	Identification (ID): Processing of applications	5
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07-03111	Health Fund: Inadequate telephone system	39
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86-01669	ERS: Refund of FICA withholdings	17
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85-03114	ERS: Refund of Federal Insurance Contributions Act (FICA) withholdings	17
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85-01349	ERS: Reimbursement of Medicare premiums	17
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82-03222	ERS: Retirement credit for military service	14
82-00925	PUC: Determination of status as public utility	14
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72-00409	Health Fund: Transfer of enrollment	3
72-00167	Health Fund: Enrollment and coverage	3
71-00551	ERS: Membership	3
71-00098	Health Fund: Dual coverage	2
71-00062	Health Fund: Coverage (former employee)	2
70-01406	Health Fund: Life insurance death benefits	2
70-01265	Expenditure of State funds for art works	2
70-00434	ERS: Rescind withdrawal application	1
70-00083	ERS: Death benefits	1
69-00067	Employees' Retirement System (ERS): Disability retirement benefits	1

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<b>Case No.</b>	<b>Subject</b>	<b>Report No.</b>
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08-01437	Draft rules scheduled for public hearing	39
07-02578	Inadequate parking lot signage	38
00-03091	Public housing: Failure to clear overgrown stream	31
97-03503	Convention Center: Construction noise and parking problems	28
93-06120	Public housing: Release of mortgage	25
91-03648	Public housing: Waiting period for readmission	22
91-00166	Public housing: Charged for plumbing service	22
90-02436	Public housing: Untimely notice of rent increase	22
90-02754	Public housing: Excess electricity charge	21
89-04464	Public housing: Insufficient washers and dryers	21
89-02632	Public housing: Delay in rental assistance	20

87-02356	Public housing: Denial of rental assistance because of receipt of other public assistance	19
87-01375	Public housing: Delay in repairing defects in new home	18
86-01976	Public housing: Inadequate lighting at project	18
85-03685	Public housing: Eligibility after eviction	17
85-02028	Public housing: Placement of nonimmigrant student aliens in State housing projects	16
82-01309	Public housing: Delay in correcting construction defect	13
81-02625	Public housing: Return of security deposit of a tenant upon death	13
81-01146	Public housing: Retroactive rental increase of teacher housing cottages	12
81-00859	Public housing: Immediate occupancy	12
79-02626	Public housing: Handicap preference	11
78-00828	Public housing: Services for senior citizens	10
77-02822	Public housing: Assignment of units	9
77-01578	Public housing: New refrigerator needed	9
74-00150	Public housing: Security problems	5
71-00756	Public housing: Noncitizen tenants	2
69-00160	Public housing: Transfer between projects	1
69-00073	Public housing: Rental charges	1

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05-00759	Confidentiality of faxed correspondence	36
04-02334	Real Estate: Waiver of examination to restore real estate license	35
98-03654	Insurance: Advertising in licensing examination handbook	29
97-05432	Surveyors: Take-home exam for license	28
97-02209	Time share: Copies of Certificate of Good Standing not accepted	28
96-01886	Insurance: Delay in field inspections disrupts real property sales	27
94-06088	Contractors: Late renewal of license due to erroneous information	26
94-03663	Business registration: Dissolution of corporation	25
93-03610	Contractors: Delay in reactivating license	24
89-01783	OCP: Health club promotion	21
86-01146	Massage: Waiver of apprenticeship training	17

85-00782	Telephone request for information	17
85-03909	Massage: Licensing examination	17
85-03606	Real estate: Inadequate form	16
85-03450	Insurance: Lack of assistance	16
85-02816	Medical: Denial of copy of records	16
84-02082	Nursing: Requirements for examination	15
84-01799	Insurance: Motorcycle license application requirements	15
83-02936	OCP: Non-jurisdiction over complaints against attorneys	15
82-03378	Business registration procedures	14
80-02258	Nursing: Reexamination requirements	14
81-00635	Electricians: Denial of application for examination and license	13
80-01115	Motor vehicles: Dismissal of complaint against licensee	13
81-00291	Real estate: Processing of applications for licenses	12
81-00230	Cosmeticians: Licensing examination	12
81-00168	Business registration: Delay in registration of securities salesman	12
80-01025	Interisland shipments by barge	12
80-01144	Real estate: Cancellation of examination	11
80-00362	Insurance: Dismissal of complaint	11
79-02881	Real estate: Horizontal property regime	11
79-02787	OCP: Information provided over telephone	10
79-01166	Nursing home administrators: Licensing	10
78-02194	Acupuncture: Qualifications of tutors	9
78-01548	Electricians: Testing and licensing	9
78-00942	OCP: Nonrefund of bottle deposits	9
77-02339	Employment: Retroactive pay increase	8
77-01309	OCP: Investigation of door-to-door magazine sales	8
75-02465	Real estate: Illegal advertisement	7
74-01308	Cosmeticians: Certificates of registration	6
74-00823	Plumbers: Licensing examination	5
74-00784	Public accountants: Experience requirements	5
73-00748	Plumbers: Use of apprentices	5
73-00645	Engineers: Fundamentals examination	5
73-00647	Barbers: License denied	4
73-00230	Real estate: Licensing examination schedule	4
72-01343	Traffic regulations for tour buses	4
72-01140	Business regulation law	4
72-00990	Vacant lot constituting a fire hazard	4
72-00961	Massage: Licensing examination	4
72-00781	Real estate: Reimbursement from broker	4



72-00528	Medical: Licensing examination	3
72-00516	Real estate: Licensing examination	3
72-00492	Medical: Licensing examination	3
72-00086	Massage: Qualification for examination	3
72-00033	Insurance: Title insurance policy	3
71-01194	Motor vehicles: Misrepresentation by dealer	3
71-01125	Utilities: Discrepancies in bills	3
71-00622	Real estate: Dispute with Condominium Apartment Owners' Association	3
71-00538	Contractors: Unfair business practices	3
71-00722	Utilities: Placement of power poles	2
71-00708	Regulations on dispensing of kerosene	2
71-00479	Real estate: Licensing examination	2
71-00094	Barbers: Licensing examination	2
70-00725	Motor vehicles: Used car multiple listing business	2
70-00582	Contractors: Renewal date for licenses	2
70-00542	Regulation of noncertified psychologists	2
70-00466	Engineers: Refunding fees for licensing examination	1
70-00241	Utilities: Interest on gas deposits	1
69-00360	Real estate: Delay in scheduling	1
69-00287	Banks: Fraud and irregularities	1
69-00198	Escort agencies: Issuance of license	1
69-00116	Automobile insurance	1
69-00101	Business registration: Coordination between State departments	1
69-00067	OCP: Overcharged by dealer	1

<b>Department of Defense</b>		
<b>Case No.</b>	<b>Subject</b>	<b>Report No.</b>
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92-01172	Veterans Services: Office closed during business hours	23
80-01221	Transfer of sick leave credits earned while employed by the Hawaii National Guard	12

<b>Department of Education</b>		
<b>Case No.</b>	<b>Subject</b>	<b>Report No.</b>
15-03184	Schools: Insufficient School Community Council Bylaws pertaining to elections	48
14-02229	Schools: Criminal history background checks	46
14-01468	Schools: School Community Council elections	46
13-01421	Schools: Teacher authorized to work more than maximum hours	44
11-01463	Schools: Interest payment on State contract	42
11-00494	Schools: Principal did not follow geographical exceptions rules	42
10-04732	Schools: Personal use of State vehicle	42
10-01773	Employment: Delay in payment for unused vacation leave	41
10-00735	Schools: Charter student not allowed to participate in soccer	41
10-00680	Schools: Dropping off and picking up disabled students	41
09-01366	Schools: Notice of wage overpayment	41
08-02814	Schools: Suspension of disabled student	39
07-04119	Schools: Participation in high school graduation ceremony	39
07-03485	Employment: Workers' compensation wage loss payments	39
07-02738	Employment: Incorrect social security number on Form W-2	38
07-01746	Schools: Denied refund for school yearbook	38
07-00313	Libraries: Fined for missing library material	38
06-01906	School bus: Transportation for students living near a school	37
06-01890	School bus: Parking for disabled students	37
06-01723	Schools: Delay in payment for professional services	37
06-00809	Schools: Nonpayment for catering services	37
05-04218	Employment: Denial of request for leave sharing.	36
05-03215	Schools: Reimbursement of educational expenses	36
05-02185	Schools: Parking charges	36
03-02169	Employment: Not notified of recoupment of overpayment of wages	35
02-05424	Libraries: Notice for overdue library materials	35
03-01453	Employment: Unauthorized change in marital status for tax withholding	34
01-01073	Schools: Delivery of foods and services	33

00-02044	Schools: One free meal per day	32
00-04469	Schools: Representation of school in talent contest	31
00-01353	Employment: Substitute teachers disqualified for unemployment benefits	31
00-00778	Schools: Playground equipment off limits	31
00-00533	Employment: Vacation pay to deceased employee's beneficiary	31
99-02164	Schools: Administration of medication	30
98-06463	Libraries: Fee for canceling reserved material	30
98-05363	Employment: Tax consequences from payroll adjustment	30
98-07112	Libraries: Items borrowed on stolen library card	29
98-06933	Schools: Summer school snacks	29
98-05796	Libraries: Unable to renew library book	29
98-04128	Libraries: Collection of fines	29
98-02142	Schools: Delay in enrollment	29
97-05823	Schools: Lack of grievance procedure	29
97-03724	Libraries: Unable to pay fines and fees without a library card	28
95-01415	Schools: Dust from unpaved parking lot	27
95-03387	Employment: Excessive taxes withheld from paychecks	26
95-01736	Employment: Proof of identity required for higher pay	26
94-01568	Schools: Hawaiian name too long for computer	26
94-04902	Schools: Smoking room	25
94-02644	Schools: Pay for tutoring	25
94-01194	Libraries: Access to mezzanine	25
94-00315	Schools: Summer pay	25
93-06028	Employment: Religious beliefs	25
93-04426	Libraries: Fine for overdue books	24
93-03641	Employment: Delay in pay	24
93-02752	Schools: Required immunizations	24
93-00903	Schools: Frankfurters selected for student lunches exceeded maximum fat content	24
93-00616	Libraries: Vehicular access to book drop	24
92-00968	Schools: Enrollment of student by person other than legal guardian	23
91-06604	Schools: Students surveyed without parental consent	23
91-01665	Schools: Absence/tardy policies for district exception students	22
91-00483	Libraries: Banned from using	22
90-02773	Schools: Advanced placement of kindergartner	21

88-01295	Employment: Use of priority payroll procedure	19
87-01979	Employment: Use of priority payroll procedure	19
87-00747	Employment: Annual update of application for teaching position	19
85-03720	Schools: Unkempt buildings	18
86-02566	Schools: Student help	17
86-02386	Schools: Parking buses on school grounds	17
85-03293	Schools: Reporting child abuse and neglect	17
85-02567	Bidding procedures for school lunch program	17
85-00954	Employment: Emergency appointees	16
84-03629	Schools: Lack of service agreement release form	16
84-00017	Libraries: Disposal of periodicals	16
83-03649	Schools: Tuition waiver	15
81-01227	Parking for Kailua Library patrons	13
81-01737	Schools: Enrollment under nonlegal surname	12
81-01226	Schools: Suspension for pediculosis	12
81-00771	Schools: Class transfer at Community School for Adults	12
80-02769	Alleged physical abuse of a student by a teacher	12
80-02472	Libraries: Use of State facilities and personnel in the signing of petitions	12
80-00940	Employment: Substitute teacher lists	11
80-00499	Employment: Annuity contributions	11
79-01723	Schools: Physical therapy	11
79-01906	Employment: Retirement procedures	10
79-01882	Schools: Corporal punishment	10
79-01830	Schools: Private school licensing	10
79-00505	Libraries: Billing for damaged book	10
78-01550	Access to public records	9
78-00809	Schools: Parental consent for athletic activities	9
77-02516	School bus: Length of ride (special education students)	9
77-00948	Schools: Class dues (disposition)	9
77-01629	Employment: Nonpayment of wages	8
77-00259	Eligibility requirements for General Educational Development Tests	8
76-03047	Schools: Receipt of student grades	8
76-01877	Schools: Lunch tokens for indigent students	8
76-01426	Use of State equipment and students for personal gain	7
75-02808	School bus: Transportation within one mile of school	7
75-02047	Schools: Vehicle towed	7
75-02932	Schools: Public use of tennis courts	6

75-02775	Schools: Irrevocable flunk list	6
75-02303	Schools: Suspension for pediculosis	6
75-01957	Failure to withhold FICA contributions	6
75-00389	Schools (private): Parental review of records	6
74-01069	Conservation of paper	5
74-00846	Schools (private): Insurance coverage for junior police officers	5
74-00707	Employment: Termination with penalties	5
73-00595	Employment: Funding of sabbatical leave	4
73-00456	Employment: Teaching contract	4
72-01414	Employment: Emergency transfer	4
72-01219	Employment: Citizenship requirement	4
72-00584	Employment: Pay for conference attendance	4
72-00464	Copy of rules and regulations	3
71-01653	Employment: Pay for tutorial services	3
71-01487	Schools: Arrest and suspension	3
71-01461	Schools: Health care and facilities	3
71-01458	Schools: Class dues (disposition)	3
71-01193	Schools: Enrollment in attendance area	3
71-00974	Employment: Non-placement on eligible list	3
70-01125	Libraries: Charges for a lost and overdue book	2
70-01088	Employment: Grievance procedure	2
70-01087	Employment: Dismissal without prior notice	2
70-01077	Employment: Wage and hour dispute	2
70-01057	Schools: Mistreatment of a student	2
70-00773	Public contract: Irregularities in bid procedures	2
70-00667	Schools: Subscriptions to educational materials	2
70-00555	Employment: Inter-agency problem	2
70-00207	Destruction of trees	1
70-00071	Hiring educational assistants	1
69-00402	Obtaining diploma via night school	1
69-00337	Libraries: Removal of book desired	1
69-00302	Driver education positions	1
69-00210	Schools: Special education	1
69-00179	Employment: Hiring practices	1
69-00043	Teacher reemployment at same school	1

Department of Hawaiian Home Lands		
Case No.	Subject	Report No.
11-01605	Illegal stopping by driver of State vehicle	42
10-02196	Responsible for mortgage for a house	42
06-04675	Failure to update mailing address	38
06-04404	Rescission of park permit	37

91-01522	Inaction in resolving maintenance problems	22
91-01521	Inaction in resolving maintenance problems	22
78-02483	Lot and loan award requirements	10
77-01782	Survey of lot	9
72-00940	Adoption of rules and regulations	4
72-00417	Transfer of homestead lot	3
71-01311	Proposed rules and regulations	3
71-00086	Homestead lease	2
71-00008	Obtaining assigned housing	2
70-00610	Response to a request and inquiry	2

<b>Department of Health</b>		
<b>Case No.</b>	<b>Subject</b>	<b>Report No.</b>
18-02958	Amendment of erroneous Social Security Number on death certificate	50
16-03364	Lack of internal controls for use of State vehicles	48
15-01786/ 15-01787	Unauthorized use of State vehicles	46
11-04502	Community Hospitals: Not allowed to cancel employee health insurance	42
11-04258	Vital records: Website contained incomplete information about divorce	42
11-01520	Nonacceptance of Certificate of Vendor Compliance	42
11-00179	State Hospital: Conflict between administrative rule and grievance procedure	42
10-02946	Employment: Underpaid for accumulated vacation leave	41
10-02335	Delay in payment for services rendered	41
09-01640	Medical records and consent to release of protected information	40
07-02251	Telephone survey	38
06-04036/ 06-04109	Delay in refund of overpayment	37
06-02733	State Hospital: Nonreceipt of mail	37
06-00690	Wastewater: Denial of a building permit application	37
05-01913	Delay in payment to motor vehicle dealer	36
03-02725	Tuberculosis testing for school attendance	34
02-03062	Disabled parking permit	34
98-02335	Vital records: Incorrect ethnicity on birth certificate	30

97-05574	Community Hospitals: Emergency room charges	29
97-03504	Availability of free notary services	28
97-02943	Employment: Not selected for hospital position	28
96-05383	Corporate ARCH license denial threatens those in golden years	28
96-04966	Signature on marriage license application must be legible	27
95-06532	Formerly licensed tatoos artist required to take exam	26
95-02455	Delayed payment for contracted mental health therapist	26
95-00562	Payment for child's hearing aid	26
94-04528	Unpaid gasoline bill	25
94-03489	Ambulance: Service to hospital of choice	25
94-02991	Payment to physical therapist	25
94-01138 / 94-01863	Vital records: Birth certificate amendments of adults	25
94-00318	Nonpayment of hotel bill	25
93-05667	Sanitation: Delay in wastewater disposal system approval	24
93-03311	Vector Control: Flies and odor from dog droppings	24
93-03249	State Hospital: Disposal of patient's property	24
93-02672	Employment: Proof of identity and employment eligibility	24
93-02220	Socializing during work hours	24
92-03209	Vector Control: Failure to eradicate mosquitoes	23
92-01824	State Hospital: Medicaid recipient's liability for bill	23
91-04052	Vital records: Failure to amend birth certificate	22
91-01977	Community Hospitals: Incinerator causing nuisance	22
91-01517	Premature removal of furniture from apartment	22
91-01284	Community Hospitals: Incinerator causing nuisance	22
91-00162	Community Hospitals: Delay in vendor payments	22
90-06099	Vector Control: Unfair inspections of pet pig	22
90-03794	Community Hospitals: Improper billing and inadequate services	22
90-02936	Vital records: Designation of child's surname	22
90-02727	State Hospital: Conjugal visit	22
90-03681	Vector Control: Mosquito nuisance	21
90-02945	Ambulance: Billing	21
89-00209	State Hospital: Copies of grievance to patients	21

89-03171	Limit on number of appointed marriage license agents	20
89-01773	Interest on late payment for contractual services rendered	20
88-03001	Vital records: Father's name on birth certificate of child born out of wedlock	19
87-04601	Nonresponse to report of hazardous fumes	19
86-02829	Ambulance: Billing	18
86-00236	Competitive bidding for pharmaceutical services	18
86-03410	Lanai Community Hospital: No ambulance service telephone number	17
86-01327	Ambulance services bill referred to collection agency	17
86-00605	Unlicensed shelters	17
84-03399	Sanitation: Interpretation of rules	16
83-03040	Vital records: Birth certificate amendments	16
84-00818	Information on marriage license application	15
83-01313	Investigation of smoke discharged from a restaurant	15
83-02611	Compost toilets	14
83-00910	State Hospital: Patients' telephone access to the Ombudsman	14
83-00633	State Hospital: Formal internal grievance procedure for patients	14
82-03797	Vital records: Nonacceptance of personal checks	14
82-01655	Employment: Recovery of salary overpayment	14
82-00139	Sanitation: Denial of cesspool permit	14
82-02277	Refusal to disclose amount of successful bid	13
82-02230	Income tax exempt status for civil service employee-Hansen Disease patient	13
82-00590	Radiation: Revocation of a temporary license to practice radiologic technology	13
81-02807	Sanitation: Requirements for individual wastewater systems	13
79-00249	Vector Control: Eligibility for direct services	13
80-02690	Smoking in places owned and operated by the State	12
80-02542	Sanitation: Washbasins in massage parlors	12
80-01473	Withholding of funds	11
80-01229	Sanitation: Massage parlor	11
80-01044	Herbicide spraying	11
80-00173	EQC: Environmental assessment procedures	11
80-00128	EQC: Environmental assessment procedures	11
79-02729	Marriage license application	10
79-01678	Sanitation: Storm drain overflow	10



79-00822	Enforcement of Noise Code	10
77-01057	Employment: Fee-for-service hiring	10
78-01408	Transfer of medical records between agencies	9
78-01101	Registration of illegitimate child	9
78-01030	Assistance in obtaining a wheelchair	9
78-00811	Public contract: Informal bidding	9
78-00655	Tuberculin chest X-ray clearance	9
78-00362	Access to spouse's medical records	9
78-00128	Air conditioning permits	9
77-01514	Legal establishment of a person's name	8
77-01161	Noise problem	8
77-00985	Access to vital records (neighbor islands)	8
77-00375	Renewal Certificate of Hawaiian Birth	8
76-02145	Sanitation: Inspections	7
76-00564	Operational deficiencies of State office	7
75-02645	Nuisance by repair of private sewer line	6
75-01186	Volunteers in administrative capacity	6
75-00454	Release of vital statistics	6
74-02004	Schools: Health services	6
74-01879	Release of vital statistics	6
74-00344	Tuberculosis certification	5
73-00990	Employment: Calculation of monthly pension amount	5
72-00967	Desire to examine own mental health records	4
72-00686	Employment: Renewal of contract	3
72-00029	Unauthorized transfer of patient	3
72-00025	Unauthorized transfer of patient	3
71-00295	Fees for serological test and marriage	2
70-01264	Transfer of medical records	2
70-01205	Employment: Preference to discharged leprosy patients	2
70-01072	Sanitation: Hog farm	2
70-00573	State Hospital: Release	2
70-00160	Mosquito control fogging	1
69-00306	Sanitation: Cracked cesspool	1
69-00256	Retirement pensions for patient employees	1

Department of Human Resources		
Case No.	Subject	Report No.
10-02368	Delay in payment resulted in administrative penalty paid by State	41
99-02026	Employment: Not interviewed	30
98-01750	Proof of identity to take civil service exam	29

94-02514	Workers' compensation: Reimbursement for medical payments	25
94-00689	Workers' compensation: Delay in medical bill payment	25
92-04885	Employment: Use of calculator during civil service examination	23
91-01807	Employment: Evaluation of applicant's work experience	23
86-01900	Employment: List of certified eligibles	21
86-03773	Employment: Photo identification for civil service examination	17
85-03289	Employment: School security attendant	17
79-03028	Civil Service Commission proceedings	11
77-01042	Employment: Certification	11
78-02153	Noncompliance by Public Employees Compensation Appeals Board with Administrative Procedure Act	10
78-00238	Employment: Recruitment practices	9
77-01172	Discrimination against handicapped	8
77-00511	Civil Service Commission proceedings	8
77-00242	Processing of mileage claims	8
75-00027	Employment: Removal from civil service list	6
72-00348	Employment: Voluntary resignation	4
72-00227	Employment: Recruitment period	3
71-01431	Employment: Notification of non-selection	3
70-01407	Employment: Notification of ranking	2
70-00385	Employment: Compensation	2
70-00033	Salary range and increment	1

<b>Department of Human Services</b>		
<b>Case No.</b>	<b>Subject</b>	<b>Report No.</b>
16-01621	Public Housing: Police officer allowed to reside beyond term of service contract	47
14-02496	Public Housing: Deadline to request expedited grievance hearing	45
13-00221	Medical assistance: Nonpayment of bills	44
12-04292	Child Welfare Services: Personal use of State Vehicle	44
12-00087	Public Assistance: Presumptive eligibility for medical assistance	43
12-00088	Public assistance: Overpayment and underpayment of food stamps benefits	43
11-00270	Public Assistance: Unfair denial of food stamps	43

12-01499	Public Assistance: Premature denial of financial assistance application	43
11-00902	Public assistance: Notification of interview mailed to the wrong address	42
11-00639	Public assistance: Nonreceipt of child support payment	42
11-00617	Public assistance: Denial of request for copy of birth certificate from case file	42
10-03024	Public assistance: Unpaid funeral bill	41
10-02237	Public housing: Inappropriate behavior of State driver	41
10-01970	Public assistance: Notices for food stamps sent to wrong address	41
10-01729	Public assistance: Reduction in financial assistance	41
10-01621	Public assistance: Unable to meet a deadline that fell on "Furlough Friday"	41
10-00683	Public housing: Rebate on purchase of an energy efficient appliance	41
09-03204	Medical assistance: Denial of request to review entire case record	40
09-02609	Public assistance: Delay in receipt of food stamps	40
09-02608	Public assistance: Recertification of food stamps	40
09-01638	Medical assistance: Denial of application	40
09-01236	Medical assistance: Required to pay co-payment for prescription	40
09-01103	Medical assistance: Delay in processing of application	40
09-00143	Erroneous beginning date for child care assistance	40
08-04215	Medical assistance: Garnishment of paycheck	40
08-03767	Public assistance: employer not notified of termination of recipient	39
08-02054	Medical assistance: Delay in processing of application	39
08-02001	Public assistance: Denial of late requests for reimbursement	39
08-00937	Public assistance: Denial of food stamps	39
08-00421	Public assistance: Calculation of food stamp benefits	39
07-00185	Medical assistance: Payment for a disputed bill	39
07-02649	Public assistance: Required physical examination by a State physician	38
06-01477	Public assistance: Referral for assistance with electricity bill	37

06-01277	Public assistance: Denial of benefits	37
05-01842	Public assistance: Child care payments	36
05-01392	Public assistance: Delay in receipt of food stamps	36
04-04719	Public housing: Placement of name at bottom waiting list	36
03-03484	Child Welfare Services investigation	34
02-01937	Public assistance: Removal of misleading sign	33
02-00989	Public assistance: Eligibility for financial assistance and food stamps	33
01-00325	Public assistance: Evaluation by designated medical Personnel	33
01-00326	Personal check written in Hawaiian unaccepted	32
00-04886	Medical assistance: Denial of application for medical assistance	31
00-03067	Vocational Rehabilitation: License to operate blind Vendor shop	31
00-02465	Public assistance: Registration of family care home	31
99-03559	Public assistance: Food stamps benefits affected by earned income	30
99-01474	Public assistance: Lost welfare check	30
98-05266	Medical assistance: Delay in authorization of medical equipment	29
98-05062	Public assistance: Electronic food stamps system	29
98-05040	Medical assistance: Travel expenses for attendants	29
98-04853	Medical assistance: Incomplete root canal work	29
98-04454	Public assistance: Denied food stamps	29
98-00004	Public assistance: Delay in payment for taxi services	29
96-03913	Employment: Income tax assessed on workers' compensation benefits	28
95-04605	Public assistance: Interdepartmental sharing of national criminal record check information for child care licensing	26
95-04372	Medical assistance: Delay in decision on eligibility	26
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94-00617	Public assistance: Medical insurance application	25
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93-04981	Medical assistance: Delay in payments to pharmacy	24
93-03193	Medical assistance: Travel expenses for emergency medical care	24
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79-01984	Public assistance: Medicaid benefits	11
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73-00852	Public assistance: Suspected welfare fraud	4
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72-00840	Public assistance: Verification of financial status	4
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71-01586	Public assistance: Assistance with funeral bill	3
71-01380	Public assistance: Allowance for mortgage payments	3
71-01269	Public assistance: Mileage payments to physicians	3
71-01004	Maintenance of vacant field on State land	3
70-01240	Public assistance: Dental treatment	2
70-01217	Public assistance: Rental allowance	2
70-01164	Custody of child given up for adoption	2
70-00611	Public assistance: Services of social worker	2
69-00386	Hiring procedures to fill nursing position	1
69-00175	Public assistance: Housekeeper services	1
69-00158	Veteran benefits	1
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09-01007	UI: Erroneous computation of deadline to appeal denial of benefits	40
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99-02488	WC: Termination of benefits	30
96-05792	UI: Refusal to replace lost check	27
95-04793	UI: Refusal to release fax number	26
94-02015	UI: Delay due to computer	25
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85-03449	UI: Federal extension of benefits	16
85-01914	UI: Employer access to determination of eligibility	16
82-01611	UI: Conferences preceding appeals hearings	16
84-01847	Enforcement: Disposition of wage claim	15
81-01151	UI: Overpayment of benefits	12
81-01047	UI: Instructors' status as employees of flight school	12
81-01012	UI: Extended benefits	12
81-00697	TDI: Ineligibility for increase in benefits; type of medical care provided	12
81-00280	WC: Subpoena of medical records	12



81-00043	Military leave for private sector employees	12
80-02592	CETA deductions	11
79-02848	SES: Job applicant qualifications	11
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79-01731	UI: Federal employees	11
79-01226	State Employment Service (SES): Job listing information	10
79-01173	Legal services for Comprehensive Employment Training Act (CETA) participant	10
78-01812	TDI: Benefits during labor strike	9
78-00401	UI: Filing of earnings statement	9
77-01487	Safety: Variance from standards	8
77-01169	Safety: Elevator inspections and tests	8
76-01513	TDI: Coverage for part-time employees	8
76-02089	WC: Non-weekly periodic payments	7
76-01053	UI: Definition of "employee"	7
75-02983	Training opportunities	6
74-01716	TDI: Computation of average weekly wage	6
74-01701	UI: Hawaii Supreme Court decision	5
74-01074	UI: Determination of "wages payable"	5
74-00449	UI: Difficulty contacting by telephone	5
74-00292	WC: Delay in payment of award	5
72-01510	UI: Repayment of benefits	4
72-01443	Wage claim: Processing	4
72-00687	WC: Employer's liability	4
72-00627	UI: Nonreceipt of several benefit checks	3
72-00238	Wage claim: Back wages	3
72-00180	UI: Duplicate benefit check	3
72-00109	UI: Disclosure of personal information	3
72-00101	UI: Misinformation about eligibility	3
71-01480	UI: Benefits erroneously paid	3
71-01455	Wage claim: Investigation and dismissal	3
71-01436	WC: Attorneys' fees	3
71-01232	Safety: Construction blasting	3
71-01057	Wage claim: Decision reversed	3
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70-01368	Temporary disability insurance (TDI): Benefits	2
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70-00895	UI: Processing of claim	2
70-00708	Access to records	2
70-00688	UI: Processing of claim	2
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70-00451	Improving apprenticeship programs	1
70-00215	Wage claim	1
70-00108	UI: Disqualification for benefits	1

70-00094	Unemployment insurance (UI): Delay in processing claim	1
70-00079	WC: Additional medical benefits	1
69-00271	Workers' compensation (WC): Delay in decision	1
69-00223	Enforcement: Racial discrimination	1

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02-01938	Notice of board meeting on the internet	33
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95-03643	Unclear designation of parking stalls for disabled persons	26
95-03620	Hazardous conditions along Kalalau Trail	26
95-02780	Auction procedures for impounded or abandoned vessels	26

95-02305	Erroneous lien filed at Bureau of Conveyances	26
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92-01239	Unable to obtain land grant copies	23
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88-03947	Sealing of abandoned well	20
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87-01927	Nudity in State parks	21/22
87-00011	Fishing at Pokai Bay	19
86-04029	Delay in finalizing purchase agreement for easement	19
86-00648	Unauthorized clearing of conservation district land	19
87-01505	Public notice for fishing season at Nuuanu	18
80-01255	Encroachment onto State land	18
85-03276	Preferential water charges for certain farmers	16
84-03298	Violation of lease	16
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82-03597	Development of Kahana Valley State Park	15
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79-01567	Public drawing for hunting permits	12
80-03098	Ownership and maintenance of road	11
80-02299	Alteration of State watershed lands	11
80-00017	Delay in reconstruction of wall	11
79-02117	Violations of sale agreements	11
79-00774	Admission charges to Iolani Palace	11
79-02162	Removal of tree	10
79-00568	Denial of entry to a public park	10
79-00368	Crater festivals in the Diamond Head Crater	10
78-02528	Access to monthly catch reports	10

78-02010	Entry to land for motorcycle training facility	10
78-00427	Prawn grower agreements	10
77-02113	Night hunting	9
77-01509	Group fishing permits	9
77-02411	Recordation of documents	8
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74-01252	Employment: Proposed job reclassification	5
73-00007	Abandoned vehicles on State lands	5
72-00373	Violation in a conservation district	5
73-00760	Leases: Ground surveys of land	4
72-01352	Trash barrels for beach	4
72-00268	Fishing violations; confiscation of nets	3
72-00190	Violation of shoreline setback law	3
71-01643	Access to a parcel of land	3
71-01441	Undesirable activities on State lands	3
71-01432	Improper use of a State-owned vehicle	3
71-01215	CDUA: Violation of rules	3
71-00687	Boatbuilding on State lands	2
71-00313	Copy of public record desired	2
71-00263	Recordation of document for tax purposes	2
70-01188	Behavior of State employee	2
70-01017	Purchase of State-owned remnant land	2
70-00093	Conservation District Use Application (CDUA), Rezoning of land	2
70-00499	Access to Sand Island	1

Department of Public Safety		
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18-01389	Adult corrections officer confiscated inmate's walking cane without medical consultation	50
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18-00911	Inmate correspondence to and from court subject to inspection and censorship	49

18-00547	Inmate found guilty of lying when defending himself at his adjustment hearing	49
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16-03145	Property: Inmate released on a weekend not allowed personal property	48
16-02536	Disciplinary process: Adjustment committee erroneously amended misconduct violation	48
16-02129	Classification: Noncompliance with exception case process	48
14-02976	Not complying with department policy on retention of urine samples	47
14-04107	Property: Work furlough inmates	47
16-00198	Free photocopying and postage for indigent inmates	47
16-00419	State vehicle speeding on State highway	47
16-02380	Medical: Delay in being seen by facility health professionals	47
15-01447	Inmate accounts: Not allowed to tithe to inmate's church	46
15-00690	Noncompliance with urinalysis procedure	46
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14-01343	Correctional facility not providing inmates with sufficient clothing	45
14-01258	Classification: Exception case	45
14-01215	Food Services: Served at incorrect temperature	45
12-03167	Disciplinary process: Duplicate misconduct charges	45
12-03309	Disciplinary process: Guilty finding based on possession of a matchbook	44
11-02636/ 11-03992	Disciplinary process: Inmates found guilty of physical interference or obstacle	43
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11-03115/ 11-04067	Failure to transmit reports of sexual harassment to law enforcement for investigation	43
11-03238/ 11-04300	Property: Transfer and storage of personal property	43
12-00214	HPA: Suspension of parole	43
12-00293	Union dues erroneously deducted from paychecks	43

12-00362	Disciplinary process: Inmate found guilty for having a new tattoo	43
12-00916	Classification: Improper score	43
11-02287	Disciplinary process: Adjustment committee hearings for moderate misconducts	42
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11-02089	HPA: Procedural flaws in parole hearing	42
11-00186	Visitation: Delay in processing visitation list	42
11-01747	HPA: Untimely hearing	42
11-01635	Disciplinary process: Duplicate misconduct charges	42
11-01485	Disciplinary process: Duplicate misconduct charges	42
11-01109	Inmate accounts: Inmates not provided with account ledgers	42
11-00904	Store: Inmates not provided with order receipt	42
11-00586	Inmate accounts: Failure to transfer inmate's funds	42
11-00353	Inmate accounts: Improper withholding of Federal tax refund	42
11-00147	Disciplinary process: Inmate found guilty of duplicate misconduct charges	42
10-03890	Disciplinary process: Violating a rule that was not yet in effect	41
10-02349	Medical: Improper co-payment charges	41
10-01465	Disciplinary process: Improper escalation of severity of misconduct charge	41
10-01251	Disciplinary process: Duplicate and inapplicable misconduct charges	41
10-01173	Disciplinary process: Duplicate and inappropriate misconduct charges	41
10-01169	Reimbursement for holiday photos	41
10-01091	Increase in prices of store items without prior notice	41
10-00980	Erroneous information given to inmate regarding disposition of detainers	41
10-00920	Disciplinary process: Erroneous and duplicate misconduct charges	41
10-00574	Property: Restriction in amount to be transferred	41
10-00542	Substance abuse treatment schedule	41
10-00512	Delay in issuance of medical marijuana certificate	41
10-00218	Special diets not honored upon transfer to another facility	41

10-00132	Disciplinary process: Duplicate misconduct charges	41
10-00127	Privileged correspondence	41
09-04393	Property: Cash missing from inmate	41
09-03490	Inmate held beyond release date	40
09-03083	Classification: Adverse reclassification hearing	40
09-02479/ 09-02612	Disciplinary process: Duplicate misconduct charges	40
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09-02025	Denied substance abuse treatment assessment	40
09-01803	Disciplinary process: Inmate erroneously found guilty of misconducts	40
09-01593	Medical: Inspection of records by inmate	40
09-00748	Disciplinary process: Misconduct report listed erroneous charge	40
09-00471	Store: Inmate improperly charged for order	40
09-00167	Mail: Handling of confidential health care information	40
09-00154	HPA: Guidelines were not followed	40
09-00092	Disciplinary process: Duplicate misconduct charges	40
09-00048	Disciplinary process: Duplicate misconduct charges	40
09-00012	Required to use recreation time for other activities	40
08-03063	Inmate was not returned to island where he was convicted	39
08-02987	Disciplinary process: Found guilty of duplicative charges	39
08-02158	Disciplinary process: Guilty finding was not supported by the facts	39
08-02150	Religion: Diets	39
08-00969	Disciplinary process: "Stacking" of charges	39
08-00738	Inmate account: Payment for prosthesis	39
08-00225	Disciplinary process: Found guilty of tampering with a urine sample	39
07-04052	Grievance procedure: Hawaii grievance forms unavailable at mainland facility	38
07-03252	Grievance procedure: Change in process	39
07-03243	Grievance procedure: Delayed responses	39
07-02912	Sentence: Incorrect release date	38
07-02849	Noncompliance with urinalysis procedure	38
07-02728	Disciplinary process: Found guilty of physical interference	38
07-02388	Compensation: Nonreceipt of inmate wages	38

07-01363	Compensation: Delay in processing workline pay raise	38
07-00637	Sentence: No presentence credit	38
07-00438	Medical: Denial of calcium supplement	38
07-00409	Sentence: Erroneous release date	38
07-00269	Sentence: Erroneous presentence credit	38
07-00119	Disciplinary process: Inmate who lit a cigarette found guilty of setting a fire	38
06-04137	Disciplinary process: Found guilty of the wrong charge	38
06-03508	Disciplinary process: Found guilty of fighting	38
06-03017	Inmate accounts: Deductions erroneously made	39
06-02748	Unable to receive credit for nonreceipt of a store order	37
06-02497	Sentence: Incorrect presentence credits	37
06-02184	Medical: Nonreceipt of reading glasses.	37
06-01130	Inmate accounts: Unauthorized use of restricted funds	37
06-00539	Inmate accounts: Notice of insufficient funds based on erroneous assumption	37
06-00111	Disciplinary process: Finding of guilt by an adjustment committee	37
06-00057/ 06-00998	Medical: Improper use of prosthesis purchase agreement	37
05-04483	Disciplinary process: Multiple charges	36
05-04072	Library: Required parole form not available	36
05-03641	Mail: Delay in processing	36
05-02856	Required to complete program that he already completed	36
05-02330	Mail: Nonreceipt of photographs	37
05-01916	Medical: Unable to obtain shoes	36
04-05012	Inmate accounts: Garnishment	36
04-02716	Holiday photographs	35
04-01630	Visitation: Visitor identification	35
03-05174	Violation of law on substance abuse testing of inmates	35
03-05139	Inmate accounts: Refund for newspaper subscription	34
03-04603	Sheriff: Unable to serve lawsuit on the State	34
03-04007	Adjustment Committee decision overruled by warden	34
03-01565	Failure to transfer approved visitation list from one facility to another	34
03-00360	Mail: Not allowed to receive book	34
02-05196	Records: Presentence credits	34
02-04384	Store: Availability of combs	34



02-03477	HPA: Lack of prior notice of parole revocation hearing	33
02-01940	Disciplinary process: Found guilty of multiple charges for one assault	33
02-01922	Inmate accounts: Interest-bearing accounts for Hawaii inmates in mainland facilities	33
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02-00675	Erroneous restitution requirement	33
02-00262	Visitation: Use of drug detection device on visitors	33
01-05597	Inmate accounts: Transfer to mainland prison	32
01-05352	Property: Failure to transfer	34
01-04227	Mistreatment by State Capitol security officers	32
01-02902	Inmate accounts: Payment for prosthesis	32
01-02625	Not afforded confirmatory testing	32
01-02344	Unable to exercise right to vote	33
01-01253	Segregation: Excessive suspension of privileges	32
01-00116	Medical: Payment for treatment of chronic illnesses	32
00-05096	Sentence: Miscalculation of release date	32
00-02913	Sentence: Delay in setting minimum	31
99-06778	Access to mainland facility Table of Contents of confidential policies and procedures	31
99-04881	Charges for confirmatory urinalysis test	32
99-03169	Visitation: Denied visit with spouse	30
99-03099	Disciplinary process: Escape while on furlough	31
99-01902	Medical: Billed for eyeglasses	30
99-01677	Grievance procedure: Restatement of grievance at next level	30
99-01660	HPA: Suitable treatment program	30
99-01442	Sentence: Discrepancy in maximum and minimum terms	30
99-00932	Visitation: None for extended period	30
98-06594	Sentence: Minimum sentence expiration date	30
98-06474	Inmate phone unable to process long-distance call	29
98-05531	Instructions for drug assessment instrument	30
98-05307	Classification: Based on erroneous records	29
98-05143	Segregation: No credit for prehearing detention	29
98-05066	Nonpayment of restitution	29
98-05046	Official and legal telephone calls	29
98-04830	Property: Radio purchased at another facility disallowed	29
98-04610	Sentence: Presentence credit time	29

98-04370	Medical: Prosthesis purchase agreement	29
98-03620	Visitation: Segregated from other inmates	29
98-02360	Visitation: Missing request form	29
97-05794	Sentence: Delay in release from jail	28
97-05405	Rude conduct by deputy sheriff	28
97-04777	Sentence: Credit for time on parole	28
97-04576	Required to undergo sex offender treatment	28
97-04226	Confiscation of Office of Information Practices opinion letter	28
97-04204	Sentence: Erroneous sentencing date	28
97-03783	Sentence: No credit for time served	28
97-03354	Lithium test ordered by psychiatrist not performed	28
97-03307	Lack of laundry items	28
97-03237	Top bunk blocking view from control box	28
97-02788	Transfer to a high security facility	28
97-01986	Seeking release	28
97-01695	Dental treatment	28
97-01190	Not provided pre-confinement credits	28
97-00818	Male inmates strip searched in view of female corrections officers	28
97-00606	Not paid for work in correctional industries	28
96-06060	Inmates' same name cause confusion	27
96-04337	Lack of raincoats	27
96-04184	Inmate transfer to a minimum security facility	27
96-03892	Segregation: Credit for prehearing detention	27
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96-03016	Classification: Incorrect interpretation of instructions	27
96-02005	Contact lenses	27
96-01430	Bedside visit to dying mother	27
95-04642	HPA: Not credited with time served while on parole	26
95-04102	Sentence: Not credited with presentence time served	26
95-03682	Inmate accounts: Halfway house	26
95-03020	Transfer: Based on incorrect information	26
95-02405	Library: Denied access to law library	26
95-01544	Bail: Failure to return money posted	26
95-01503	Compensation: Not paid in full for work performed	26
95-00778	Segregation: Erroneous calculation of duration of disciplinary segregation	26

95-00364	Unclear pardon application form and firearm restriction	26
95-00336	Denial of confirmatory substance abuse test	26
94-05463	Classification: Erroneous consideration of prior conviction	26
94-04758	Telephone calls to Ombudsman's Office	25
94-04670	Long hair	25
94-04293	Sentence: Mistaken identity	25
94-04091	Speeding sheriff's vehicle	25
94-03819	Denied radio	25
94-03648	Library: Access to law library	25
94-03497	Sentence: Imprisonment beyond expiration	25
94-03098	Visitation: Two inmates	25
94-02116	Water leakage in work furlough center	28
94-01783	Removal of shoes by deputy sheriffs	25
94-01665	Property: Halfway house	25
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70-00963	Refuse collection services	2
70-00940	Beaches: Cleaning of seaweed and debris	2
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70-00324	Absentee ballots	1
70-00184	Payment for damages to traffic pole	1
69-00366	Road maintenance by City	1
69-00350	Treatment by police and capitol guards	1
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69-00201	Land designated for park	1
69-00169	Building: Permit revoked for lack of work	1
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