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Supreme Court
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SCPW-13-0002448

IN THE SUPREME COURT OF THE STATE OF HAWAII

FRANCIS M. SHYANGUYA, Petitioner,

vs.

THE HONORABLE RHONDA A. NISHIMURA, Respondent Judge,

and

EMPLOYMENT SECURITY APPEALS REFEREES' OFFICE (ESARO), ALAN WONG,
APPEALS OFFICER, AND THE RITZ-CARLTON HOTEL CO., LLC,
Respondents.

ORIGINAL PROCEEDING
(CAAP-13-0001659; CIV. NO. 13-1-0149)

ORDER DENYING APPLICATION FOR WRIT OF MANDAMUS

(By: Recktenwald, C.J., Nakayama, Acoba, McKenna, and Pollack, JJ.)

Upon consideration of petitioner Francis M. Shyanguya's application for a writ of mandamus, filed on July 30, 2013, the documents attached thereto and submitted in support thereof, and the record, it appears that petitioner does not have a clear and indisputable right to the entry of findings of fact and conclusions of law in a decision from an agency appeal and has alternative means to seek relief. Petitioner, therefore, is not entitled to a writ of mandamus. See Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (a writ of mandamus is an

extraordinary remedy that will not issue unless the petitioner demonstrates a clear and indisputable right to relief and a lack of alternative means to redress adequately the alleged wrong or obtain the requested action). Accordingly,

IT IS HEREBY ORDERED that the application for a writ of mandamus is denied.

DATED: Honolulu, Hawai'i, August 22, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

