

INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAI'I

Yang v. Fink

Yang v. Fink · No. CAAP-24-0000598 · Decided May 12, 2026

SUMMARY

The Hawai‘i Intermediate Court of Appeals affirmed a circuit court judgment upholding the Hawai‘i Labor Relations Board’s dismissal of Henry Y. Yang’s prohibited practice complaint against the Department of Health. The court held that the complaint was untimely under the 90-day filing period in Hawai‘i Revised Statutes § 377-9 because Yang knew of the relevant actions by July 1, 2011, but did not file until November 25, 2011. The court also concluded that the Hawai‘i Labor Relations Board’s seven-and-a-half-year delay in issuing its final order did not deprive Yang of constitutional due process because the record did not show resulting prejudice.

CASE DETAILS

COURT	Intermediate Court of Appeals of the State of Hawai'i
WRITING FOR THE COURT	Karen T. Nakasone, Chief Judge; Katherine G. Leonard, Associate Judge; Keith K. Hiraoka, Associate Judge
JURISDICTION	Intermediate Court of Appeals of the State of Hawai‘i
DECIDED	May 12, 2026
DOCKET	CAAP-24-0000598
DISPOSITION	affirmed
PROCEDURAL POSTURE	Secondary appeal from a circuit court judgment affirming the Hawai'i Labor Relations Board's dismissal of Yang's prohibited practice complaint against the Hawai'i Department of Health and its director.
STANDARD OF REVIEW	In a secondary appeal under Hawai'i Revised Statutes § 91-15, the court applies the standards in § 91-14(g) directly to the agency decision based on the agency record. Agency findings of fact are reviewed for clear error, conclusions of law are reviewed de novo, and constitutional questions are reviewed de novo under the right/wrong standard.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Henry Y. Yang, M.D. v. Kenneth S. Fink, M.D., Director of the Department of Health, State of Hawai'i, Hawai'i Labor Relations Board, State of Hawai'i

TOPICS

judicial review of agency action

administrative procedure act

appellate procedure

procedural due process

labor law

PRACTICE AREAS

administrative law

labor law

employment law

constitutional law

QUESTIONS PRESENTED

1. Whether the HLRB correctly dismissed Yang's prohibited practice complaint as untimely under Hawai'i Revised Statutes § 377-9(l).
2. Whether the HLRB's seven-and-a-half-year delay in issuing its final order deprived Yang of constitutional procedural due process.
3. Whether the Intermediate Court of Appeals should review the circuit court's alleged errors or apply the Hawai'i Administrative Procedure Act standards directly to the HLRB's decision.

HOLDINGS

1. In a secondary appeal under Hawai'i Revised Statutes § 91-15, the appellate court applies the standards in § 91-14(g) directly to the agency's decision, based on the certified agency record.
2. Yang's prohibited practice complaint was time-barred because he knew or should have known of the relevant Department of Health actions by July 1, 2011, but did not file until November 25, 2011, beyond the ninety-day period in Hawai'i Revised Statutes § 377-9(l).
3. Yang was not deprived of procedural due process by the HLRB's seven-and-a-half-year delay in issuing its final order because the record did not show that the delay prejudiced him.

KEY QUOTATIONS

"But in a secondary appeal under HRS § 91-15, we apply the standards of HRS § 91-14(g) (Supp. 2023) to the agency's decision, based on the record before the agency — the certified record on appeal transmitted by the agency to the circuit court under HRS § 91-14(d)." (at 3)

"'[W]here the decision below is correct it must be affirmed by the appellate court even though the lower tribunal gave the wrong reason for its action.'" (at 5)

"Under these circumstances, we conclude that Yang was not deprived of constitutional due process." (at 7)

FACTUAL BACKGROUND

The Hawai'i Department of Health hired Yang as a half-time clinical psychiatrist in 2008 and later required him to return to working forty hours every other week rather than twenty hours each week. After Yang refused, the Department threatened termination and terminated his employment on May 31, 2011. At a July 1, 2011 meeting, Yang learned that the Department was transferring responsibility for clinical psychiatric care to Hilo Medical Center. He filed a prohibited practice complaint on November 25, 2011, more than ninety days after the July 1 information.

PROCEDURAL HISTORY

Yang filed a prohibited practice complaint with the Hawai'i Labor Relations Board on November 25, 2011, arising from the termination of his employment and the transfer of responsibility for his former patients' care. The HLRB granted the Department of Health's motion to dismiss in a July 2, 2019 Final Order. The Circuit Court of the Third Circuit affirmed the HLRB, entering final judgment on August 21, 2024. The Intermediate Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Mālama Kakanilua v. Bd. of Land & Nat. Res., 155 Hawai'i 512, 516, 567 P.3d 217, 221 (App. 2025)
- Flores v. Bd. of Land & Nat. Res., 143 Hawai'i 114, 120, 424 P.3d 469, 475 (2018)
- Sierra Club v. D.R. Horton-Schuler Homes, LLC, 136 Hawai'i 505, 515-16, 522, 364 P.3d 213, 223-24, 230 (2015)
- Cadiz v. QSI, Inc., 148 Hawai'i 96, 106-07, 468 P.3d 110, 120-21 (2020)
- Ass'n of Apartment Owners of Newtown Meadows v. Venture 15, Inc., 115 Hawai'i 232, 277, 167 P.3d 225, 270 (2007)
- Cowan v. Exclusive Resorts PBL1, LLC, 156 Hawai'i 268, 272, 574 P.3d 288, 292 (2025)
- State v. Taniguchi, 72 Haw. 235, 239, 815 P.2d 24, 26 (1991)
- Carmichael v. Bd. of Land & Nat. Res., 150 Hawai'i 547, 560, 506 P.3d 211, 224 (2022)
- Mauna Kea Anaina Hou v. Bd. of Land & Nat. Res., 136 Hawai'i 376, 389, 363 P.3d 224, 237 (2015)
- Kelly v. Railroad Retirement Board, 625 F.2d 486 (3d Cir. 1980)
- Kraebel v. New York City Department of Housing Preservation & Development, 959 F.2d 395 (2d Cir. 1992)
- White v. Mathews, 434 F. Supp. 1252 (D. Conn. 1976)

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