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POST-SCAP ARBITRATION OPTIONS

Binding Arbitration Request for Clarification or Technical Correction

A party who desires clarification or technical corrections in a decision must submit a written request to extend the arbitrator's jurisdiction to the program administrator within **five (5)** days of receipt of the decision. The written request should explain in detail the correction or clarification being requested. The program administrator shall provide a copy of the written request to the opposing party. Only if the opposing party also submits a written request to extend the arbitrator's jurisdiction, shall the requests be forwarded to the arbitrator. The opposing party's written request to extend the arbitrator's jurisdiction must be received by the program administrator within five (5) days after the opposing party's receipt of the copy of the original written request. Upon receipt of both parties' written requests, the arbitrator may accept the reinstatement of jurisdiction.

(Hawaii Administrative Rules § 16-181-28(b))

Non-Binding Arbitration Request for Clarification or Technical Correction

A party who desires clarification or technical corrections in a decision must submit a written request to extend the arbitrator's jurisdiction to the program administrator within **five (5)** days of receipt of the decision. The program administrator shall provide a copy of the written request to the opposing party. The opposing party may submit a response if it so chooses. The original request and any response shall be forwarded to the arbitrator. Upon receipt of the original request and any response, the arbitrator may accept the reinstatement of jurisdiction.

(Hawaii Administrative Rules § 16-181-28(c))

Binding or Non-Binding Arbitration Motion to Correct or Vacate

A motion to modify, correct, or vacate an award under the Uniform Arbitration Act¹ may be filed in circuit court. The motion must be made and notice given to all parties within **ninety (90)** days after the movant receives notice of the award. The reasons for filing are very limited. For a motion to correct or modify, the reasons include mathematical miscalculation or evident mistake in description. For a motion to vacate, the reasons include evident partiality, corruption, or misconduct by an arbitrator. You should contact your private attorney for assistance. The Department of Commerce and Consumer Affairs cannot represent you in any post-arbitration matters. See the provisions of the Uniform Arbitration Act for further details.

Non-Binding Arbitration Appeal

Within **thirty (30)** days after service of an arbitration award, any party to a non-binding arbitration may file for a trial de novo in circuit court. If the party demanding a trial de novo does not improve its position by at least 25 percent, the court shall order all reasonable costs of trial and attorney's fees to be paid for by the party making the demand. You should contact your private attorney for assistance. The Department of Commerce and Consumer Affairs cannot represent you in any post-arbitration matters.

(Hawaii Revised Statutes § 481I-4(d))

Confirming an Arbitration Award

After a party to the arbitration receives notice of an award, the party may make a motion to circuit court for an order confirming the award. You should contact your private attorney for assistance. The Department of Commerce and Consumer Affairs cannot represent you in any post-arbitration matters. See the provisions of the Uniform Arbitration Act for further details.

¹ This act is effective from 7/1/02 and repeals Chapter 658, Hawaii Revised Statutes.