

**Electronically Filed  
Intermediate Court of Appeals  
CAAP-12-0000522  
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NO. CAAP-12-0000522

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAI'I

ALLEN VIDAL,  
Claimant/Appellant/Appellant,  
v.  
STATE OF HAWAI'I, DEPARTMENT OF TRANSPORTATION,  
Employer/Appellee/Appellee,  
and  
SPECIAL COMPENSATION FUND,  
Appellee

APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD  
(CASE NO. AB 2009-036(2-04-41062))

ORDER DENYING SEPTEMBER 11, 2012 HRAP RULE 40 MOTION  
FOR RECONSIDERATION OF SEPTEMBER 5, 2012 DISMISSAL ORDER  
(By: Foley, Presiding Judge, Fujise and Reifurth, JJ.)

Upon review of (1) the September 5, 2012 order granting Employer/Appellee/Appellee State of Hawai'i Department of Transportation's (Appellee State Department of Transportation) August 3, 2012 motion to dismiss this appeal for lack of appellate jurisdiction, (2) Claimant/Appellant/Appellant Alan Vidal's (Appellant Vidal) September 11, 2012 motion to reconsider the September 5, 2012 dismissal order pursuant to Rule 40 of the

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Hawai'i Rules of Appellate Procedure (HRAP), and (3) the record, it appears we did not did not overlook or misapprehend any points of law or fact when the intermediate court of appeals entered the September 5, 2012 order dismissing appellate court case number CAAP-12-0000522 for lack of jurisdiction. Therefore,

IT IS HEREBY ORDERED that Appellant Vidal's September 11, 2012 motion to reconsider the September 5, 2012 dismissal order is denied.

DATED: Honolulu, Hawai'i, September 14, 2012.

  
Presiding Judge

  
Associate Judge

  
Associate Judge