

NO. CAAP-18-0000551

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

ZEBADIAH C. MELLIN, Claimant-Appellant/Appellant,
v.
KONA WINDS CONSTRUCTION, LLC.,
Employer-Appellee/Appellee,
and
HAWAII EMPLOYERS' MUTUAL INSURANCE COMPANY,
Insurance Carrier-Appellee/Appellee.

APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD
(AB2017-253(M); DCD NO. 7-17-50034)

ORDER DISMISSING APPEAL

(By: Leonard, Presiding Judge, Chan and Hiraoka, JJ.)

Upon review of the record, it appears that:

(1) On April 27, 2018, the Department of Labor received a notice of appeal from Claimant-Appellant Zebadiah C. Mellin (Mellin), pro se, without the filing fees required by Hawaii Rules of Appellate Procedure (HRAP) Rule 3(a). On July 12, 2018, the Labor and Industrial Relations Appeals Board (LIRAB) clerk conventionally filed the document in the underlying case as the notice of appeal, and on July 13, 2018, the LIRAB clerk electronically filed the notice of appeal to create this appeal;

(2) On August 2, 2018, the Labor and Industrial Relations Appeals Board (LIRAB) clerk notified Mellin to pay the

filing fee or request a fee waiver by August 16, 2018, or the appeal could be dismissed;

(3) On March 11, 2019, the appellate clerk entered a default of the record on appeal, informing Mellin that the time to docket the appeal expired on September 11, 2018, he had not paid the filing fee or obtained an order allowing him to proceed on appeal *in forma pauperis*, the matter would be brought to the court's attention on March 21, 2019, for action that may include dismissal of the appeal, and he could seek relief from default by motion;

(4) Mellin took no further action in this appeal; and

(5) An appeal may be dismissed where the record on appeal has not been prepared because the appellant failed to pay the required fees or obtain an order allowing the appellant to proceed *in forma pauperis*. HRAP Rule 11(b)(2), (c)(2).

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed.

Dated: Honolulu, Hawai'i, May 15, 2019.

Presiding Judge

Associate Judge

Associate Judge