

NO. CAAP-19-0000084

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

KENNETH M. SKAHAN, Claimant-Appellant, v.
STUTTS CONSTRUCTION, Employer-Appellee, and
FIRST INSURANCE COMPANY OF HAWAII, LTD,
Insurance Carrier-Appellee

APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD
(CASE NO. AB 2015-371(WH); DCD NO. 9-14-45010)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On February 6, 2019, Claimant-Appellant Kenneth M. Skahan (Skahan), pro se, conventionally filed the notice of appeal with the Labor and Industrial Relations Appeals Board (LIRAB);

(2) On February 8, 2019, the LIRAB clerk electronically filed the notice of appeal, which created appeal number CAAP-19-0000084;

(3) Skahan failed to pay the appellate filing and docketing fees with the notice of appeal, as required by Hawai'i Rules of Appellate Procedure (HRAP) Rule 3(a);

(4) On February 11, 2019, the LIRAB clerk notified Skahan to pay the filing fee by February 26, 2019, or request a fee waiver, otherwise the clerk is not required to prepare the record on appeal. See HRAP Rule 11(b)(2);

(5) On May 7, 2019, the appellate clerk entered a default of the record on appeal, informing Skahan that the time to docket the appeal expired on April 9, 2019, 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 May 17, 2019, for action that may include dismissal of the appeal, and he could seek relief from default by motion;

(6) Skahan took no further action in this appeal; and

(7) 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 30, 2019.

Presiding Judge

Associate Judge

Associate Judge