

NO. CAAP-18-0000947

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

IN THE MATTER OF ATTORNEY'S FEES PERTAINING TO
BLAINE W. FUJIMOTO in the case of GEORGE Y. CHOW, JR.,
Claimant-Appellant, v. AMERON INTERNATIONAL CORPORATION
and NATIONAL OIL WELL VARCO and GALLAGHER
BASSETT SERVICES, INC., Employer-Appellee

APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD
(CASE NO. AB 2018-061)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On December 7, 2018, Claimant-Appellant George Y. Chow, Jr. (Chow), pro se, conventionally filed the notice of appeal with the Labor and Industrial Relations Appeals Board (LIRAB);

(2) On December 13, 2018, the LIRAB clerk electronically filed the notice of appeal, which created appeal number CAAP-18-0000947;

(3) Chow 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 December 14, 2018, the LIRAB clerk notified Chow to pay the filing fees by January 2, 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 15, 2019, the appellate clerk entered a default of the record on appeal, informing Chow that the time to docket the appeal expired on February 11, 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 28, 2019, for action that may include dismissal of the appeal, and he could seek relief from default by motion;

(6) Chow 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, June 3, 2019.

Presiding Judge

Associate Judge

Associate Judge