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Intermediate Court of Appeals
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NO. CAAP-19-0000329

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

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

APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD
(CASE NO. AB 2015-372(M) (7-14-45072))

ORDER DISMISSING APPEAL

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

Upon review of (1) this appeal by Claimant-Appellant/Appellant Kenneth M. Skahan (Skahan) from the Labor and Industrial Relations Appeals Board's (the LIRAB) January 3, 2019 decision and order regarding Skahan's workers' compensation claim in LIRAB Case No. AB 2015-372(M), and (2) the record, it appears that the January 3, 2019 decision and order does not qualify as an appealable final order under Hawaii Revised Statutes (HRS) § 386-88 (2015), HRS § 91-14(a) (2012 & Supp. 2018), and the holding in Mitchell v. State of Hawai'i, Dep't of Educ., 77 Hawai'i 305, 884 P.2d 368 (1994).

As was the case in Mitchell, the LIRAB's January 3, 2019 decision and order lacks the requisite decree of finality for an appeal under HRS § 386-88 and HRS § 91-14(a), because

Skahan's right to any workers' compensation benefits for the March 25, 2014 psychological injury still remains undetermined.

Therefore, IT IS HEREBY ORDERED that appellate court case number CAAP-19-0000329 is dismissed for lack of appellate jurisdiction.

IT IS FURTHER HEREBY ORDERED that all pending motions in appellate court case number CAAP-19-0000329 are dismissed as moot.

DATED: Honolulu, Hawai'i, June 28, 2019.


Presiding Judge


Associate Judge


Associate Judge