

NO. CAAP-19-0000423

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

LIONEL N. LIMA, JR., Claimant-Appellant/Appellant, v.  
AOAO WAILUNA RECREATION ASSOCIATION, Employer-Appellee/Appellee,  
and ACCLAMATION INSURANCE MANAGEMENT SERVICES,  
Insurance Carrier-Appellee/Appellee, and  
SPECIAL COMPENSATION FUND, Appellee-Appellee

APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD  
(CASE NO. AB 2017-326(T); DCD NO. 2-03-08023)

ORDER DISMISSING APPEAL FOR LACK OF APPELLATE JURISDICTION  
(By: Leonard, Presiding Judge, Chan and Hiraoka, JJ.)

Upon review of this appeal by self-represented Claimant/Appellant/Appellant Lionel N. Lima, Jr. (Lima) from a workers' compensation administrative matter, and the record, it appears that we lack appellate jurisdiction.

Lima appeals from the following orders entered by the Labor and Industrial Relations Appeals Board (LIRAB)<sup>1</sup> entered in LIRAB Case No. AB 2017-326(T):

- (1) a March 4, 2019 "Order Regarding Matters Heard by Hearings Officer"; and

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<sup>1</sup> The LIRAB was comprised of members Melanie S. Matsui and Marie C.L. Laderta; chair Danny J. Vasconcellos was recused.

- (2) a May 1, 2019 "Order Granting Motion to Continue and to Set Status Conference."

The Hawai'i Supreme Court has held:

The appeal of a decision or order of the LIRAB is governed by HRS § 91-14(a), the statute authorizing appeals in administrative agency cases. HRS § 91-14(a) authorizes judicial review of a final decision and order in a contested case or a preliminary ruling of the nature that deferral of review pending entry of a subsequent final decision would deprive appellant of adequate relief. For purposes of HRS § 91-14(a), we have defined "final order" to mean an order ending the proceedings, leaving nothing further to be accomplished. . . . Consequently, an order is not final if the rights of a party involved remain undetermined or if the matter is retained for further action.

Bocalbos v. Kapiolani Med. Ctr. for Women & Children, 89 Hawai'i 436, 439, 974 P.2d 1026, 1029 (1999) (citations and some internal quotation marks omitted; emphasis added).

For example, "a decision that finally adjudicates the matter of medical and temporary disability benefits is an appealable final order under HRS § 91-14(a), even though the matter of permanent disability has been left for later determination." Id. at 443, 974 P.2d at 1033. In contrast, when the LIRAB's determination of a claimant's workers' compensation claim for benefits "has not been made[,] . . . the requisite decree of finality is lacking with respect to th[e] case[,]" and the appellate court lacks jurisdiction. Mitchell v. State Dep't. of Educ., 77 Hawai'i 305, 308, 884 P.2d 368, 371 (1994) (citation omitted).

In this case, neither of the orders being appealed finally adjudicated a benefit. The March 4, 2019 "Order Regarding Matters Heard by Hearings Officer" directed how this matter would proceed following the LIRAB's appointment of a hearing officer. The May 1, 2019 "Order Granting Motion to Continue and to Set Status Conference" reset the trial date of

March 8, 2019, to a later unspecified date, and scheduled a status conference for May 21, 2019.

Therefore, IT IS HEREBY ORDERED that appellate court case number CAAP-19-0000423 is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, February 25, 2020.

Presiding Judge

Associate Judge

Associate Judge