

**Electronically Filed
Intermediate Court of Appeals
CAAP-20-0000022
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NO. CAAP-20-0000022

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

DWIGHT J. VICENTE, Claimant-Appellant/Appellant, v.
HILO MEDICAL INVESTORS, LTD., Employer-Appellee/Appellee, and
AMERICAN HOME ASSURANCE COMPANY/AIG CLAIMS SERVICES, Insurance
Carrier-Appellee/Appellee, and JOHN MULLEN & COMPANY, INC.,
Insurance Adjuster-Appellee/Appellee

APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD
(CASE NO. AB 2015-259(H) (S); DCD NO. 1-87-00882)

ORDER DISMISSING APPEAL FOR LACK OF APPELLATE JURISDICTION

(By: Ginoza, Chief Judge, Leonard and Wadsworth, JJ.)

Upon review of the record, it appears that we lack appellate jurisdiction over an appeal by Claimant-Appellant/Appellant Dwight J. Vicente (**Vicente**), self-represented, from the Labor and Industrial Appeals Board's (**LIRAB**) January 6, 2020 interlocutory order denying Vicente's November 25, 2019 motion to limit jurisdiction and for a remedy in the LIRAB's future trial in LIRAB Case No. 2015-259(H) (S) (**LIRAB proceeding**). The record on appeal in CAAP-20-0000022 does not include a final decision or order by LIRAB regarding its review of a June 3, 2015 decision by the Director of the Department of Labor and Industrial Relations regarding Vicente's claim for further workers' compensation benefits for a May 3, 1987 injury.

An aggrieved party may appeal a final decision and order by the LIRAB directly to the Hawai'i Intermediate Court of Appeals pursuant to Hawaii Revised Statutes (HRS) § 386-88 (2015)

and HRS § 91-14(a) (2012 & Supp. 2019). The appealability of a decision and order of the LIRAB is governed by HRS § 91-14(a). "[A]n order that finally adjudicates a benefit or penalty under the worker's compensation law is an appealable final order under HRS § 91-14(a), although other issues remain." Lindinha v. Hilo Coast Processing Co., 104 Hawai'i 164, 168, 86 P.3d 973, 977 (2004) (citation omitted); see Bocalbos v. Kapiolani Med. Ctr., 89 Hawai'i 436, 443, 974 P.2d 1026, 1033 (1999) (holding that "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.").

In the instant case, LIRAB's January 6, 2020 interlocutory order does not finally adjudicate any benefit or penalty, nor does it finally determine the substantive issues in the underlying LIRAB proceeding. Absent an appealable final decision or order by the LIRAB on the substantive issues in LIRAB Case No. 2015-259(H) (S), Vicente's appeal is premature and we lack appellate jurisdiction.

Therefore, IT IS HEREBY ORDERED that appellate court case number CAAP-20-0000022 is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, June 3, 2020.

/s/ Lisa M. Ginoza
Chief Judge

/s/ Katherine G. Leonard
Associate Judge

/s/ Clyde J. Wadsworth
Associate Judge