

NO. CAAP-21-0000441

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

TERI YOSHIDA-CONSELVA, Claimant-Appellant, v.
PATRICK M. VIVAS, Employer-Appellee, and
HAWAII EMPLOYERS' MUTUAL INSURANCE COMPANY,
Insurance Carrier-Appellee

APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD
(CASE NO. AB 2021-062; DCD NO. 2-19-50513)

ORDER DISMISSING APPEAL

(By: Leonard, Presiding Judge, Hiraoka and Nakasone, JJ.)

Upon review of the record, it appears that:

(1) On July 28, 2021, self-represented Claimant-Appellant Teri Yoshida-Conselva (Yoshida-Conselva) filed the notice of appeal without the fees required by Hawai'i Rules of Appellate Procedure (HRAP) Rule 3(a);

(2) On August 9, 2021, the Chief Clerk of the Labor and Industrial Relations Appeals Board filed a notice of non-payment, instructing Yoshida-Conselva to pay the filing fee or seek a fee waiver on or before August 24, 2021;

(3) The record on appeal was due on or before September 27, 2021. See HRAP Rules 11(b)(1) & 26(a);

(4) On September 28, 2021, the appellate clerk entered a default of the record on appeal, informing Yoshida-Conselva that the time to docket the appeal had expired, she had not paid the filing fee or obtained an order allowing her to proceed on appeal *in forma pauperis*, the matter would be brought to the court's attention on October 8, 2021, for action that may include

dismissal of the appeal, and she could seek relief from default by motion;

(5) Yoshida-Conselva took no further action in the appeal; and

(6) 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, October 18, 2021.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Karen T. Nakasone
Associate Judge