

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-24-0000050

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

MARIO TAGAMA, Claimant-Appellant/Appellant, v.
MARRIOTT OWNERSHIP RESORTS, INC., Employer-Appellee/Appellee, and
LIBERTY MUTUAL INSURANCE, Insurance Carrier-Appellee/Appellee

APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD
(CASE NO. AB 2023-103; DCD NO. 2-23-210777)

ORDER DISMISSING APPEAL

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

Upon review of the record, it appears that:

(1) On January 22, 2024, self-represented Claimant-Appellant/Appellant Mario Tagama (Tagama) filed in the underlying case, Case No. AB 2023-103, DCD No. 2-2023-210777, a notice of appeal and a motion for leave to proceed on appeal *in forma pauperis*;

(2) On January 23, 2024, the Labor and Industrial Relations Appeals Board (LIRAB) denied Tagama's motion for leave to proceed on appeal *in forma pauperis*, and the LIRAB clerk notified Tagama to pay the filing fees by February 2, 2024;

(3) On February 6, 2024, the LIRAB clerk notified Tagama that the filing fees had not been paid and, as a result, the clerk was not obligated to prepare and file the record on appeal;

(4) The record on appeal was due on or before March 22, 2024, Hawai'i Rules of Appellate Procedure (HRAP) Rule 11(b)(1), but was not filed because Tagama failed to pay the filing fees or obtain a fee waiver;

(5) On March 25, 2024, the appellate clerk entered a default of the record on appeal, informing Tagama that the time to docket the appeal had expired, Tagama had not paid the filing fees or obtained an order allowing Tagama to proceed on appeal *in forma pauperis*, the matter would be brought to the court's attention on April 4, 2024, for action that may include dismissal of the appeal, and Tagama could seek relief from default by motion; and

(6) Tagama has not taken any further action in this appeal. 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, April 11, 2024.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Clyde J. Wadsworth
Associate Judge