

**Electronically Filed
Intermediate Court of Appeals
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NO. CAAP-24-0000005

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

AIMEE STINER, Claimant-Appellant-Appellant, v.
BANK OF AMERICA, dba MERRILL LYNCH,
Employer-Appellee-Appellee, and
XL INSURANCE AMERICA, INC., adjusted by SEDGWICK,
Insurance Carrier-Appellee-Appellee

APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD
(CASE NO. AB 2023-038; DCD NO. 2-2022-165236)

ORDER DISMISSING APPEAL FOR LACK OF JURISDICTION

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

Upon review of the record, it appears that self-represented Claimant-Appellant-Appellant Aimee Stiner (**Stiner**) appeals from the August 11, 2023 Order Denying Motion for Damages (**Denial Order**) entered by the Labor and Industrial Relations Appeals Board. Stiner filed her January 2, 2024 notice of appeal more than 30 days after entry of the Denial Order, which is outside of the deadline set forth in Hawaii Revised Statutes § 386-88 (2015) and Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 4(a)(1). The record does not indicate that Stiner received an extension of time to appeal under HRAP Rule 4(a)(4), that the deadline was otherwise tolled under HRAP Rule 4(a)(3), or that any other exception applies which may excuse the untimely appeal. Compliance with the requirement of timely filing a notice of

appeal is jurisdictional. Ditto v. McCurdy, 103 Hawai'i 153, 157, 80 P.3d 974, 978 (2003).

Therefore, IT IS HEREBY ORDERED that the appeal is dismissed for lack of jurisdiction.

DATED: Honolulu, Hawai'i, June 27, 2024.

/s/ Katherine G. Leonard
Acting Chief Judge

/s/ Keith K. Hiraoka
Associate Judge

/s/ Sonja M.P. McCullen
Associate Judge