

NO. 28386

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

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAI'I

2007 AUG 16 AM 11:36

FILED

ESTHER KANAKANUI, Claimant-Appellant, v. HAWAII HEALTH
SYSTEM CORPORATION, HILO MEDICAL CENTER,
Employer-Appellee, Self-Insured, and CONSTITUTION STATE
SERVICE COMPANY, Third-Party Administrator-Appellee

APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS
APPEALS BOARD
(Case No. AB 2005-376(H); 1-91-10047)

ORDER DISMISSING APPEAL

(By: Watanabe, Presiding J., Nakamura, and Fujise, JJ.)

Upon review of the record, it appears that:

- (1) Claimant-Appellant Esther Kanakanui (Appellant) filed a notice of appeal on January 22, 2007; (2) on January 29, 2007, Appellant filed with this court an "Affidavit in Support of Motion for Leave to Proceed on Appeal in Forma Pauperis"; (3) on January 29, 2007, this court denied the motion without prejudice to Appellant filing her motion in the agency appealed from in accordance with Hawai'i Rules of Appellate Procedure (HRAP) Rule 24, which requires a party to file requests to proceed in forma pauperis on appeal in the agency appealed from in the first instance; (4) on March 1, 2007, the Labor and Industrial Relations Appeals Board issued an order disallowing Appellant to proceed on appeal in forma pauperis; (5) Appellant did not seek further relief in this court pursuant to HRAP Rule 24(c); (6) on July 2, 2007, the appellate clerk informed Appellant that the record on appeal could not be filed without payment of the filing fee pursuant to HRAP Rule 3(f) or an executed motion to proceed

in forma pauperis pursuant to HRAP Rule 24 and that the matter would be called to the attention of the court on July 9, 2007 for such action as the court deemed proper, which may include dismissal of the appeal; and (7) thereafter, Appellant failed to pay the filing fee or file a motion seeking leave to proceed in forma pauperis on appeal. Therefore,

IT IS HEREBY ORDERED that the appeal is dismissed pursuant to HRAP Rules 3(a), 11(c)(2), and 24(d).

DATED: Honolulu, Hawai'i, August 16, 2007.

Corinne K.A. Watanabe
Presiding Judge

Craig H. Nelson
Associate Judge

Anna H.N. Fijne
Associate Judge