

**Electronically Filed
Intermediate Court of Appeals
CAAP-22-0000245
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NO. CAAP-22-0000245

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

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: Leonard, Presiding Judge, Nakasone and Chan, JJ.)

Upon review of the record, it appears that we lack appellate jurisdiction over self-represented Claimant-Appellant-Appellant Dwight J. Vicente's (**Vicente**) appeal from a purported order denying Vicente's motion to continue trial by the Labor and Industrial Relations Appeals Board (**LIRAB**), in Case No. 2015-259(H) (S), because the record on appeal in CAAP-22-0000245 does not include a final decision or order by the 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 from a final decision and order by the LIRAB directly to this court under Hawaii Revised Statutes (**HRS**) §§ 386-88 (2015) and 91-14 (2012). For purposes of HRS § 91-14(a), "final order" means "an order ending the proceedings, leaving nothing further to be accomplished[;] . . . Consequently, an order is not final if the rights of a party

involved remain undetermined or if the matter is retained for further action." Bocalbos v. Kapiolani Med. Ctr. for Women & Child., 89 Hawai'i 436, 439, 974 P.2d 1026, 1029 (1999) (cleaned up).

No final judgment has been entered in the underlying proceeding. Absent an appealable, final decision or order in LIRAB Case No. 2015-259(H) (S), the appeal is premature and we lack jurisdiction.

Therefore, IT IS HEREBY ORDERED that appellate case number CAAP-22-0000245 is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, November 7, 2022.

/s/ Katherine G. Leonard
Presiding Judge

/s/ Karen T. Nakasone
Associate Judge

/s/ Derrick H.M. Chan
Associate Judge