

NO. 26738

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

SURVIVORS OF DANIEL V. BACKMAN, DECEASED,
Claimant-Appellant

vs.

FIRST INSURANCE COMPANY OF HAWAII, LTD. and RSKCO,
Employer/Insurance Adjuster-Appellees

APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD
(CASE NO. AB 2003-328(M))

ORDER DENYING MOTION FOR RECONSIDERATION

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon consideration of the motion for reconsideration of the November 4, 2004 order dismissing appeal, the papers in support and the record, it appears that the Labor and Industrial Relations Appeals Board (LIRAB) has not entered on the record a decision on all issues in Case No. AB 2003-328(M) as evidenced by the LIRAB's July 26, 2004 order declaring that "[t]he [LIRAB] has not issued a final Decision and Order disposing of [Case No. AB 2003-328(M)]." The June 30, 2004 amended decision and order is not appealable under Bocalbos v. Kapiolani Medical Center, 89 Hawaii 436, 974 P.2d 1026 (1999) inasmuch as Bocalbos applies where all matters in a worker's compensation case have not been decided by the labor director, not where all issues in a worker's

compensation appeal have not been decided by the LIRAB.

Therefore,

IT IS HEREBY ORDERED that the motion for reconsideration is denied.

DATED: Honolulu, Hawai'i, November 22, 2004.