

NO. 23569

IN THE SUPREME COURT OF THE STATE OF HAWAII

MARILYN E. FELDER, nka MARILYN E. CHAISSON,
Claimant-Appellant-Appellant

vs.

THE ARC OF MAUI, Employer-Appellee-Appellee, Delinquent

and

SPECIAL COMPENSATION FUND, Appellee-Appellee

APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD
(CASE NO. AB 97-294 (M) (7-96-03794))

ORDER DISMISSING APPEAL
(By: Moon, C.J., Levinson,
Nakayama, Ramil, and Acoba, JJ.)

Upon review of the statements supporting and contesting jurisdiction, the motions to dismiss appeal and the record, it appears that: (1) notice of appeal from the May 18, 2000 decision and order must have been filed by June 17, 2000, thirty days after the decision and order was filed and mailed, unless the time for appeal was extended; HRS § 386-88; HRAP 4(a)(1) and 4(a)(4); (2) Appellant could have, but did not seek an extension of time to appeal pursuant to HRAP 4(a)(4)(B); (3) the notice of appeal filed on June 30, 2000 is untimely; and, thus, (4) we lack jurisdiction over this appeal; Bacon v. Karlin, 68 Haw. 648, 650, 727 P.2d 1127, 1128 (1986) (the failure to file a timely notice of appeal in a civil matter is a jurisdictional defect that can

neither be waived by the parties nor disregarded by the appellate court in the exercise of judicial discretion). Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, September 21, 2000.