

NO. 23569

IN THE SUPREME COURT OF THE STATE OF HAWAII

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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

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

ORDER DENYING MOTION FOR RECONSIDERATION

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

Upon consideration of the motion for reconsideration of the September 21, 2000 order dismissing appeal, the papers in support and the record, it appears that: (1) the two-day delay by the labor appeals board in filing the notice of appeal is of no consequence inasmuch as the notice of appeal was already eleven days late when it was submitted for filing; (2) our recognized exception to late appeals applies to criminal cases and is based upon a criminal defendant's constitutional right to the effective assistance of counsel; see State v. Erwin, 57 Haw. 268, 270, 554 P.2d 236, 238 (1976); there is no constitutional right to effective counsel in a worker's compensation case; (3) even if there was excusable neglect to justify an extension of the appeal deadline, an extension cannot be granted at this time inasmuch as the time for moving for and granting an extension expired on

July 17, 2000; see HRAP 4(a)(4)(B) and 26(b); and (4) we have no discretion to disregard jurisdictional defects in civil cases; see Bacon v. Karlin, 68 Haw. 648, 650, 727 P.2d 1127, 1128 (1986). Therefore,

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

DATED: Honolulu, Hawai'i, November 6, 2000.