

NOT FOR PUBLICATION

NO. 25499

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

URSULA M. O. FREITAS, Claimant-Appellant, v.
HAWAIIAN AIRLINES, INC. and KEMPER INSURANCE
COMPANIES, Employer/Insurance Carrier-Appellee

APPEAL FROM THE LABOR AND
INDUSTRIAL RELATIONS APPEALS BOARD
(Case No. B 2001-213 (2-98-06432))

SUMMARY DISPOSITION ORDER

(By: Lim, Acting C.J., Foley, J. and Circuit Judge Marks, in
place of Burns, C.J., recused.)

In this workers' compensation case, Ursula M.O. Freitas (Freitas or Claimant) appeals, *pro se*, the November 4, 2002 order of the Labor and Industrial Relations Appeals Board (the Board) that denied her October 11, 2002 motion for reconsideration of the Board's September 11, 2002 decision and order. The Board's September 11, 2002 decision and order dismissed Freitas' April 26, 2001 appeal to the Board, "for Claimant's obstruction of Employer's attempts to complete discovery, Claimant's use of dilatory tactics, and Claimant's failure to comply with orders of this Board."

Upon an assiduous review of the record and the briefs submitted by the parties, and giving careful consideration to the arguments advanced and the issues raised by the parties, we resolve Freitas' points of error on appeal as follows:

1. Inasmuch as Freitas does not specify or argue error

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in connection with the November 4, 2002 order of the Board that denied her October 11, 2002 motion for reconsideration, we will not review, and therefore affirm, the Board's November 4, 2002 order. See Hawai'i Rules of Appellate Procedure (HRAP) Rule 28(b)(4) (2003); Wright v. Chatman, 2 Haw. App. 74, 76-77, 625 P.2d 1060, 1062 (1981); HRAP Rule 28(b)(7) (2003); Weinberg v. Mauch, 78 Hawai'i 40, 49, 890 P.2d 277, 286 (1995); In re Wai'ola O Molokai, Inc., No. 22250, slip op. at 73 n.33 (Haw. filed January 29, 2004).

2. Regarding the Board's September 11, 2002 decision and order that dismissed Freitas' appeal to the Board, we conclude the Board's decision and order was (1) made upon lawful procedure, Hawaii Revised Statutes (HRS) § 91-14(g)(3) (1993); Korsak v. Hawaii Permanente Med. Group, Inc., 94 Hawai'i 297, 302, 12 P.3d 1238, 1243 (2000); Hawaii Administrative Rules (HAR) § 12-47-48(a); Int'l. Bhd. of Elec. Workers v. Hawaiian Tel. Co., 68 Haw. 316, 323, 713 P.2d 943, 950-51 (1986), and (2) was not an abuse of discretion. HRS § 91-14(g)(6); Korsak, 94 Hawai'i at 302, 12 P.3d at 1243; HAR § 12-47-48(a); S. Foods Group, L.P. v. State, Dep't. of Educ., 89 Hawai'i 443, 452-53, 974 P.2d 1033, 1042-43 (1999). The record amply demonstrates that Freitas' repeated refusals to permit discovery, to comply with orders of the Board upon Employer's numerous motions to compel, and to heed sanctions of the Board for her noncompliance, were chronic, obdurate and unregenerate. Richardson v. Lane, 6 Haw. App. 614,

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619, 736 P.2d 63, 67 (1987).

3. In her remaining cognizable point of error on appeal, Freitas contends the Board's February 6, 2002 order that denied her February 5, 2002 motion to continue hearing on Employer's motion to compel medical examination was an abuse of discretion. Because Freitas' argument in this respect lacks support in the record, we disagree.

Therefore,

IT IS HEREBY ORDERED that the November 4, 2002 order and the September 11, 2002 decision and order of the Board are affirmed.

DATED: Honolulu, Hawaii, February 27, 2004.

On the briefs:

Ursula M. O. Freitas,
claimant-appellant, *pro se*.

Clyde Umebayashi and
James N. Duca (Kessner Duca Umebayashi
Bain & Matsunaga), for
employer/insurance carrier-appellee.

Acting Chief Judge

Associate Judge

Acting Associate Judge