

NOT FOR PUBLICATION

NO. 25577

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

GRACE M. CLOHERTY, Claimant-Appellant, v.
CONTINENTAL AIR LINES, INC.,
and
GAB BUSINESS SERVICE, INC., Employer/Insurance Carrier-Appellee

APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD
(Case No. AB 96-423 (2-88-31748))

SUMMARY DISPOSITION ORDER

(By: Lim, Acting C.J., Foley and Fujise, JJ.)

In this workers' compensation case, Claimant Grace M. Cloherty (Claimant) appeals the December 12, 2002 decision and order of the Labor and Industrial Relations Appeals Board (the Board).

After a meticulous 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 hold that there was substantial evidence to support the Board's decision and order. Korsak v. Hawai'i Permanente Med. Group, Inc., 94 Hawai'i 297, 306, 12 P.3d 1238, 1247 (2000). Claimant's complaints on appeal regarding the credit and weight the Board assigned to the evidence are misplaced, because

courts decline to consider the weight of the evidence to ascertain whether it weighs in favor of the administrative findings, or to review the agency's findings of fact by passing upon the credibility of witnesses or conflicts in testimony, especially the findings of an expert agency dealing with a specialized field. Therefore, we will not pass upon the doctors' relative credibility.

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Igawa v. Koa House Rest., 97 Hawai'i 402, 410, 38 P.3d 570, 578

(2001) (footnote, citation and block quote format omitted).

Hence, the Board did not clearly err in its decision and order.

Id. at 406, 38 P.3d at 574.

Therefore,

IT IS HEREBY ORDERED that the December 12, 2002 decision and order of the Board is affirmed. We remand to the Board for further remand to the Director of Labor and Industrial Relations on the issue of disfigurement.

DATED: Honolulu, Hawai'i, January 23, 2006.

On the briefs:

Grace M. Cloherty,
Claimant-Appellant,
pro se.

Robert C. Kessner,
Clyde Umebayashi and
Muriel M. Taira, for
Employer/Insurance Carrier-Appellee



Acting Chief Judge



Associate Judge



Associate Judge