

NO. 26370

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

WILLIAM J. M. KUAMOO, SR., Claimant-Appellant,  
vs.  
STATE OF HAWAII, DEPARTMENT OF AGRICULTURE,  
Employer-Appellee, Self-Insured,  
and  
HAWAII HEALTH SYSTEMS CORP., dba HILO MEDICAL CENTER, Appellee

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CLERK, APPELLATE COURTS  
STATE OF HAWAII

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APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD  
(CASE NO. AB 2002-122(H) (1-80-02492))

SUMMARY DISPOSITION ORDER

(By: Burns, Chief Judge, Nakamura, and Fujise, JJ.)

In this workers' compensation case, Claimant-Appellant William J.M. Kuamoo, Sr. (Kuamoo) appeals, *pro se*, from the Decision and Order of the Labor and Industrial Relations Appeals Board (LIRAB), filed on December 31, 2003. In its decision, the LIRAB concluded that: 1) Kuamoo was only entitled to temporary total disability (TTD) benefits up through November 6, 2000, and 2) Hawaii Health Systems Corporation (HHSC), dba Hilo Medical Center, did not unlawfully discharge Kuamoo solely because of his work injury in violation of Hawaii Revised Statutes (HRS) Section 386-142 (1993). The LIRAB's decision affirmed the February 21, 2002, supplemental decision of the Director of the Department of Labor and Industrial Relations (Director) with respect to these conclusions.

After a careful review of the record and the briefs submitted by the parties, we affirm the LIRAB's Decision and Order.

Kuamoo's appellate briefs are essentially incomprehensible, contain no discernable argument in support of his appeal, and violate Hawai'i Rules of Appellate Procedure (HRAP) Rule 28(b) (2007). These provide sufficient grounds to reject Kuamoo's appeal and affirm the LIRAB's Decision and Order. Bettencourt v. Bettencourt, 80 Hawai'i 225, 228, 909 P.2d 553, 556 (1995) ("[A]ppellant's brief in almost no respect conforms to the requirements of Hawai'i Rules of Appellate Procedure (HRAP) Rule 28(b), which we have held is, alone, sufficient basis to affirm the judgment of the circuit court."); State v. Bui, 104 Hawai'i 462, 464 n.2, 92 P.3d 471, 472 n.2 (2004) (concluding that it is the prerogative of the appellate courts to disregard claims for which no discernable argument is presented).

In any event, for the reasons set forth below, after considering the LIRAB's Decision and Order, we conclude that the LIRAB did not err.

1. The LIRAB did not err in concluding that Kuamoo was only entitled to TTD benefits through November 6, 2000. There is substantial evidence in the record that Kuamoo's right hip and knee condition was medically stable as of November 6, 2000; that no disability certificates were submitted with Kuamoo's treatment reports after November 6, 2000; and that by August 2001, two physicians had deemed Kuamoo capable of returning to some form of

work. Accordingly, the LIRAB did not err in terminating Kuamoo's TTD benefits on November 6, 2000.

Kuamoo's acceptance of permanent partial disability (PPD) benefits beginning November 7, 2000, provides an alternative ground for affirming the LIRAB's decision terminating Kuamoo's TTD benefits as of November 6, 2000. This is true even though the LIRAB did not rely on this ground in its decision. See Poe v. Hawai'i Labor Relations Bd., 87 Hawai'i 191, 197, 953 P.2d 569, 575 (1998) ("[W]here the circuit court's decision is correct, its conclusion will not be disturbed on the ground that it gave the wrong reason for its ruling."). Kuamoo did not appeal the Director's decision awarding PPD benefits to Kuamoo beginning November 7, 2000. HRS Section 386-32(a) (Supp. 2006) provides that PPD payments shall not commence until after any TTD that may be caused by the injury has terminated. Having accepted payments for PPD effective November 7, 2000, Kuamoo is not entitled to TTD benefits relating to the same injury after November 6, 2000.

2. The LIRAB did not err in concluding that HHSC did not violate HRS Section 386-142 by terminating Kuamoo's employment. HRS Section 386-142 only prohibits an employer from discharging an employee solely because of his or her work-related injury. There is substantial evidence in the record that in early 1998, Kuamoo informed HHSC that he was suffering from a heart condition unrelated to work that prevented him from returning to work; that he was placed on leave without pay status

due to illness unrelated to work; that he remained on leave without pay for more than twelve months; and that he was terminated pursuant to the terms of the governing collective bargaining agreement which prohibited an employee from remaining on leave without pay for more than twelve months. Given this substantial evidence, the Board did not err in finding that "[HHSC] did not terminate [Kuamoo] solely because of his work injury" and in concluding that HHSC did not violate HRS Section 386-142.

DATED: Honolulu, Hawai'i, April 11, 2007.

On the briefs:

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Chief Judge

  
Associate Judge

  
Associate Judge