

NO. 27579

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

KARL E. LAROCHELLE, Claimant-Appellant,
v.

J. MARTIN SCHMALTZ, and HAWAII EMPLOYERS' MUTUAL
INSURANCE COMPANY, Employer/Insurance Adjuster-Appellee

APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD
(CASE NO. AB 2002-124 (WH) (9-00-01520 HILO))

SUMMARY DISPOSITION ORDER

(By: Foley, Presiding Judge, Nakamura, and Fujise, JJ.)

In this workers' compensation case, Claimant-Appellant Karl E. LaRochelle appeals, *pro se*, from the decisions of the Labor and Industrial Relations Appeals Board (LIRAB). For the reasons set forth below, we affirm the LIRAB's decisions.

LaRochelle was employed as a skilled stucco laborer. He sustained a bilateral inguinal hernia on July 31, 2000, while unloading glass sheets from a truck. On August 29, 2000, he underwent surgery to repair the hernias and was later released by the surgeon to return to regular work on October 30, 2000. Doctors conducting independent medical examinations opined that LaRochelle did not sustain any permanent impairment as a result of the July 31, 2000, accident and could return to work. On September 27, 2001, LaRochelle saw a urologist for symptoms of urgency.

On March 12, 2002, the Director of the Department of Labor and Industrial Relations (the Director) issued a decision which found that LaRochelle's hernias were related to the July 31, 2000, work accident. The Director awarded LaRochelle, among other things, temporary total disability (TTD) benefits from August 12, 2000, up through October 29, 2000, and \$200 for disfigurement. The Director found that LaRochelle did not

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sustain any permanent disability as a result of the July 31, 2000, accident and did not grant LaRochelle's request for vocational rehabilitation benefits.

LaRochelle appealed the Director's March 12, 2002, decision to the LIRAB. While the appeal was pending, LaRochelle filed a claim on August 5, 2003, for workers' compensation benefits for persistent urinary problems, which he contended had resulted from the July 31, 2000, accident. The LIRAB remanded the case back to the Director to determine this claim. On May 10, 2004, the Director issued a supplemental decision denying LaRochelle's claim for the urological condition. The Director found that this claim was barred by the statute of limitations. Alternatively, the Director found that if the claim was not barred by the statute of limitations, there was insufficient evidence to conclude that LaRochelle's urological condition was related to the July 31, 2000, accident. LaRochelle appealed the Director's May 10, 2004, decision to the LIRAB.

On September 28, 2004, the LIRAB issued a Decision and Order granting the motion of LaRochelle's employer for partial summary judgment on LaRochelle's claim for the urological condition. The LIRAB concluded that this claim was barred by the statute of limitations and affirmed the Director's May 10, 2004, supplemental decision. On October 18, 2005, the LIRAB issued a Decision and Order concluding that: 1) LaRochelle was not entitled to TTD benefits after October 29, 2000; 2) no permanent disability resulted from the July 31, 2000, work injury; 3) LaRochelle was not entitled to vocational rehabilitation services; and 4) LaRochelle's employer was entitled to credit the \$200 disfigurement award against its overpayment of TTD benefits. The LIRAB affirmed the Director's March 12, 2002, decision.

LaRochelle's appellate brief contains no discernable argument in support of his appeal and violates Hawai'i Rules of Appellate Procedure (HRAP) Rule 28(b) (2007) in numerous respects. These provide sufficient grounds to reject

LaRoche's appeal and affirm the LIRAB's decisions. 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, 473 n.2 (2004) (concluding that it is the prerogative of the appellate courts to disregard claims for which no discernable argument is presented).

We glean from LaRoche's brief that he generally disagrees with all aspects of the LIRAB's decisions. After considering the briefs submitted by the parties and reviewing the record, we conclude that the LIRAB did not err in its material findings of fact, which were supported by substantial evidence, or in its conclusions of law.

We therefore affirm the September 28, 2004, Decision and Order and the October 18, 2005, Decision and Order entered by the LIRAB.

DATED: Honolulu, Hawai'i, October 25, 2007.

On the briefs:

Karl E. LaRoche
Claimant-Appellant Pro Se

Leighton K. Oshima
Darlene Y.F. Itomura
Elena Ledoux
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for Employer/Insurance
Carrier-Appellee


Presiding Judge


Associate Judge


Associate Judge