

\*\*\* NOT FOR PUBLICATION \*\*\*

NO. 24632

IN THE SUPREME COURT OF THE STATE OF HAWAII

SHARRI JACOBS,  
Claimant-Appellant,

vs.

LENOX HEALTHCARE OF KAILUA-KONA, L.P.,  
Employer-Appellee,

and

RSKCO, fka Alexsis Risk Management,  
Insurance Carrier-Appellee.

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APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD  
(Case No. AB 99-288(WH) (9-97-00802))

SUMMARY DISPOSITION ORDER

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

The claimant-appellant Sharri L. Jacobs appeals from the decision and order, filed on September 20, 2001, of the Labor and Industrial Relations Appeals Board (LIRAB).

On appeal, Jacobs contends that the LIRAB erred in: (1) disregarding "[t]he MRI[s] of [her] [c]ervical [s]pine . . . [and] of [her] right wrist"; (2) considering the opinion of Dr. Rowlin L. Lichter, who did not "me[e]t [Jacobs], let alone examine [her]," and disregarding the opinion of Dr. Harvey Wieseltier, "who examine[d] [her] extensively"; (3) considering "Dr. [Wade] Fae[r]ber['s] report" despite his not having examined her extensively; and (4) not mentioning "the Post Hearing Memorandum [Jacobs] put together."

Upon carefully reviewing the record and the briefs submitted by the parties and having given due consideration to

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the arguments advanced and the issues raised, we affirm the September 20, 2001 decision and order of the LIRAB for the following reasons:

Notwithstanding the fact that, of the physicians who provided evidence to the LIRAB, some had studied Jacobs's case more than others, the LIRAB's decision shows that (1) it weighed the credibility of the various reports and testimony, and (2) its findings of fact were not "[c]learly erroneous in view of the reliable, probative, and substantial evidence on the whole record." See Hawai'i Revised Statutes § 91-14(g) (Supp. 2004), quoted in Konno v. County of Hawai'i, 85 Hawai'i 61, 77, 937 P.2d 397, 413 (1997). Therefore,

IT IS HEREBY ORDERED that the decision and order from which the appeal is taken is affirmed.

DATED: Honolulu, Hawai'i, December 6, 2005.

On the briefs:  
The claimant-appellant  
Sharri L. Jacobs, pro se

J. Thomas Weber, of  
Ayabe, Chong, Nishimoto,  
Sia & Nakamura, for the  
employer-appellee Lenox  
Healthcare of Kailua-Kona,  
L.P., and the insurance  
carrier-appellee RSKCO,  
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