

\*\*\* NOT FOR PUBLICATION \*\*\*

NO. 27404

IN THE SUPREME COURT OF THE STATE OF HAWAII

NONIMA T. NAKAYAMA  
CLERK OF APPELLATE COURTS  
STATE OF HAWAII

2006 JAN 25 AM 9:52

FILED

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JOSEPHINE E. HANAWAHINE, Claimant-Appellee

vs.

ALOHA PETROLEUM, LTD., dba ISLAND MINI-MART, and ADJUSTING SERVICES OF HAWAII, INC., Employer/Insurance Carrier-Appellee

and

ALOHA PETROLEUM, LTD., dba ISLAND MINI-MART, and DAI-TOKYO ROYAL INSURANCE COMAPNY, Employer/Insurance Carrier-Appellant

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JOSEPHINE E. HANAWAHINE, Claimant-Appellee

vs.

ALOHA PETROLEUM, LTD., dba ISLAND MINI MART, and MAJESTIC INSURANCE COMAPNY, Adjusted by ADJUSTING SERVICES OF HAWAII, INC., Employer/Insurance Carrier-Appellant

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APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD  
(CASE NO. AB 2005-103)

ORDER DISMISSING APPEAL

(By: Nakayama, J., for the court<sup>1</sup>)

Upon review of the record, it appears that the orders entered by the Labor and Industrial Relations Appeals Board (LIRAB) on June 9, 2005 and July 1, 2005 did not finally end the proceeding before the LIRAB in Case No. AB 2005-103. Deferring review of the orders staying and directing payment of benefits pending entry of a final decision by the LIRAB will not deprive appellants of adequate relief inasmuch as appellants will obtain adequate relief from the LIRAB if the LIRAB decides that appellants are not liable for the payment of benefits. Deferring

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<sup>1</sup>Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.

review of the orders reinstating Case No. AB 2003-447 and consolidating it with Case No. AB 2005-103 pending entry of a final decision by the LIRAB will not deprive appellants of adequate relief inasmuch as the reinstatement and consolidation are not prejudicial to appellants. The orders staying and directing payment of benefits, which were purportedly certified for appeal, are not immediately appealable as certified interlocutory orders inasmuch as HRS §§ 91-14(a) and 386-88 do not permit the LIRAB to certify a matter for interlocutory appeal. Thus, we lack jurisdiction over this appeal. See HRS §§ 91-14(a) and 386-88. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, January 25, 2006.

FOR THE COURT:

*Aunna C. Nakayama*  
Associate Justice