

# LIRAB Annual Report

## Fiscal Year 2015

### *Overview*

The Labor & Industrial Relations Appeals Board (LIRAB) is a quasi-judicial agency that is attached to the Department of Labor & Industrial Relations (DLIR) for administrative and budgetary purposes only. LIRAB adjudicates appeals from decisions rendered by the Director of Labor & Industrial Relations (Director) via the Disability Compensation Division relating to workers' compensation matters (Chapter 386, Hawaii Revised Statutes) and decisions rendered by the Director relating to the Boiler and Elevator Safety Law (Chapter 397, Hawaii Revised Statutes). Proceedings before LIRAB are subject to Chapter 91 of the Hawaii Administrative Procedures Act and other applicable administrative rules and laws.

### *Program Objective*

LIRAB's program objective is to provide prompt, just and efficient adjudication of appeals from decisions of the Director of Labor & Industrial Relations relating to Workers' Compensation and Boiler and Elevator Safety.

### *LIRAB Members*

LIRAB comprises two Board Members and one Chairperson who are appointed by the Governor of the State of Hawaii and confirmed by the Hawaii State Senate for 10-year terms. The Chairperson is required by law to be an attorney licensed to practice in all of the courts of this State.

### *LIRAB Staff*

LIRAB is supported by a staff of 6: Executive Officer, Hearings Officer, Staff Attorney, Researcher, Chief Clerk, and Secretary.

### *LIRAB ACTIVITIES for FY 2015*

<b>Workers' Compensation Cases</b>	
New LIRAB appeals received in FY 2015	540
Cases disposed of or closed by settlement, dismissal, Decision and Order, or other means in FY 2015	473
Cases pending as of June 30, 2015	625
Pre-hearing conferences (initial, settlement and status conferences) held in FY 2015	448

Motions/Orders to Show Cause /Oral Arguments heard in FY 2015	251
Trials held in FY 2015	104
Percentage of appeals resolved within 15 months of receipt in FY 2015	72%
Percentage of appeals upheld by appellate court in FY 2015	78%
Number of cases awaiting written decision and order in FY 2015	92
Number of Appellate Court Decisions issued in FY 2015	25
<b>Boiler &amp; Elevator Safety Cases</b>	
Cases pending as of June 2015	0
New appeals filed during FY 2015	0

### *LIRAB 2015 Accomplishments*

- To meet State and Federal mandates that DLIR's customers be able to meaningfully access services or participate in State programs, LIRAB was one of several DLIR divisions that spearheaded a Limited English Proficiency (LEP) Working Group to translate "Babel" Notices into the department's ten most requested languages. These multi-language notices inform limited English proficient customers of the availability of language assistance at no cost to them. The Babel notices have been distributed to all divisions of DLIR for their use and/or inclusion with vital documents that are disseminated to DLIR customers.
- LIRAB proposed legislation that was passed by the 2015 legislature. The law authorized LIRAB the option to provide notice of agency hearing by online posting on LIRAB's webpage as an alternative to notice by publication in the newspaper in cases where a party could not be located and such notice could not be made via first class mail. The measure should save the State hundreds to a few thousands of dollars per year in newspaper publication fees.
- LIRAB is constructing a new and improved webpage to allow for online posting of notices of agency hearings in compliance with the new law that was enacted in the 2015 legislative session.
- LIRAB spearheaded a paperless initiative by implementing an internal electronic document management system to digitize paper case files on appeal. LIRAB's system went live on June 15, 2015. Documents for pending, as well as new appeals, are being scanned and indexed into the electronic document management system.

## *LIRAB 2015 Challenges*

- Due to retirements, LIRAB had been without a full panel of board members from December 2013 to July 2014 and from December 2014 to the summer of 2015, for nearly fifteen months. Two attorney positions were eliminated in 2009 during the State's economic downturn. One clerical position was eliminated in 2010 during the Statewide Reductions-in-Force. The understaffing in both the professional and clerical sections has contributed to an increase in the number of pending cases awaiting written decisions and orders. LIRAB is working to secure additional staff to help reduce its backlog.

