

# LIRAB Annual Report

## Fiscal Year 2016

### *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 2016	404
Cases disposed of or closed by settlement, dismissal, Decision and Order, or other means in FY 2016	504
Cases pending as of June 30, 2016	530
Pre-hearing conferences (initial, settlement and status conferences) held in FY 2016	946

Motions/Orders to Show Cause /Oral Arguments heard in FY 2016	217
Trials held in FY 2016	91
Percentage of appeals resolved within 15 months of receipt in FY 2015	75%
Percentage of appeals upheld by appellate court in FY 2015	52%
Number of cases awaiting written decision and order in FY 2016	108
Number of Appellate Court Decisions issued in FY 2016	17
<b>Boiler &amp; Elevator Safety Cases</b>	
Cases pending as of June 2016	0
New appeals filed during FY 2016	0

#### *LIRAB FY 2016 Accomplishments*

- LIRAB implemented electronic signatures (E-Sign) for leave requests and approvals (G-1s), as well as notices, orders, and decisions. The E-Sign procedure has improved efficiency in the signing and processing of documents and reduced costs associated with paper and photocopying.
- LIRAB completed construction of 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. This 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 newspapers in cases where a party could not be located and such notice could not be made via first class mail. LIRAB began posting online notices of hearing early this year.
- LIRAB continues to implement its electronic document management system to digitize paper case files on appeal. This electronic document management system went live on June 2015. LIRAB has digitized 77,000 documents since June 2015.

#### *LIRAB 2016 Challenges*

- LIRAB lost three positions during the 2008-2009 economic downturn that have not been restored. LIRAB was also short a third board member for various periods of time from December 2013 to the Summer of 2015 due to retirements. The understaffing in both the professional and clerical sections has contributed to an increase in the number of pending cases

awaiting written decisions and the wait time for a written decision. In FY 2016, the average wait from briefs to written decision was 13 months.

- The number of decisions that need to be written outpaces the number of decisions that are issued. One reason is that the process of drafting legal decisions that are directly reviewable by the appellate court is a time-consuming process that requires many contiguous hours of time to write, review, and edit. LIRAB's case load makes it difficult for staff to find contiguous hours of time to devote to writing. LIRAB is working to secure additional legal and clerical staff to shorten the time for processing appeals and the wait time for written decisions.

