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LABOR & INDUSTRIAL RELATIONS APPEALS BOARD
KEELIKOLANI BUILDING
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To: Workers' Compensation Practitioners
From: Damien A. Elefante, Chair *DAE*
Re: Stipulations and Settlement Agreements
Date: January 20, 2021

The Labor and Industrial Relations Appeals Board has been finding an inordinate number of errors when reviewing stipulations and settlement agreements, which has prompted it to send detailed non-approval letters to the drafting party. These errors include one or more of the following:

- Incorrect/incomplete captions, footers, case numbers, dates, names, and party designations;
- Typographical or calculation errors;
- Inconsistent terms, including providing for a withdrawal of an appeal, while at the same time modifying or reversing the Director's decision;
- Incorrect references to other paragraphs within the agreement;
- Missing exhibits, incorrect exhibits, or incorrect references to exhibits;
- Blank lines for the agreement date;
- Agreements to vacate the Director's decision;
- Unclear/missing statement as to the disposition of the pending appeal;
- No clear statement that attorney's fees are subject to approval and/or incorrect reference to the approving agency;
- Missing signatures/initials; and
- Unclear/missing statement as to the disposition of the pending appeal.

Please note that the Board's review(s) may not identify all deficiencies within the document submitted. Careful proofreading by the parties would reduce preventable errors, and, in turn avoid unnecessary delays in approving the document.

Going forward, the Board will continue to review stipulations and settlement agreements submitted for approval, but it will no longer send detailed letters. Instead, the Board will transmit a copy of any such agreements, in .pdf format, with a memo stating that the Board identified errors within the submitted agreement.

Thank you for your understanding as we refocus our efforts in utilizing the Board's limited resources in a more efficient manner.