

LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD

STATE OF HAWAII

FABIUS MENDOZA,)	CASE NO.: AB 2023-123(M)
)	DCD No.: 7-18-01186
Claimant-Appellee,)	
)	
vs.)	D/A: July 23, 2018
)	
HBM ACQUISITIONS, LLC,)	
)	
Employer-Appellant,)	
)	
and)	Nov 02 2023, 9:31 am
)	FILED ^{SK}
ISLAND INSURANCE COMPANY,)	Labor and Industrial Relations
LTD.,)	Appeals Board
)	
Insurance Carrier-)	
Appellant,)	
)	
and)	
)	
SPECIAL COMPENSATION FUND,)	
)	
Appellee.)	

ORDER TO SHOW CAUSE

On January 1, 2023, Claimant FABIUS MENDOZA ("Claimant/Decedent") died.

Following a hearing on August 2, 2023, the Director of Labor and Industrial Relations issued a Decision Supplemental to Award Dated 12/6/2018, entered on August 16, 2023. The Director's decision, in relevant part, determined that Claimant/Decedent did not have any dependents pursuant to Section 386-42, Hawaii Revised Statutes.

On August 30, 2023, Fabian Mendoza filed an appeal of the Director's decision. Mr. Mendoza represented that he is the twin brother of Claimant/Decedent.

The file is devoid of any record confirming that Mr. Fabian Mendoza is the court-appointed personal representative or special administrator of Claimant/Decedent's estate.

On September 5, 2023, Employer HBM ACQUISITIONS, LLC filed an appeal of the Director's decision.

Mr. Fabian Mendoza; Claimant/Decedent FABIUS MENDOZA; Employer HBM ACQUISITIONS, LLC; and the SPECIAL COMPENSATION FUND shall respond to this Order to Show Cause why Mr. Fabian Mendoza's appeal filed on August 30, 2023 should not be dismissed for failure to establish his standing to file an appeal of the Director's August 16, 2023 Decision Supplemental to Award Dated 12/6/2018 and/or his authority to file an appeal on behalf of Claimant/Decedent FABIUS MENDOZA of the Director's August 16, 2023 Decision Supplemental to Award Dated 12/6/2018.

This Order to Show Cause does not affect Employer's appeal of the Director's August 16, 2023 decision, filed on September 5, 2023.

You are hereby notified that a hearing on the Order to Show Cause is set for **Thursday, November 30, 2023 at 10:30 a.m., Hawaii Standard Time** or as soon thereafter as the parties may be heard by the Board.

This hearing will be held by interactive conference technology. Refer to the Board's July 7, 2023 Administrative Order 2023-01 for information

about the use of interactive conference technology. (See <https://labor.hawaii.gov/lirab/files/2023/07/Administrative-Order-2023-01-filed-July-7-2023-2.pdf>.)

The Board will email you a calendar invitation to the hearing. The invitation will include a hyperlink to the Microsoft Teams meeting.

The Board will send invitations to the following via the means noted:

To: Shawn L.M. Benton at sbenton@cwlfirm.com;

To: Li-Ann Yamashiro at li-ann.yamashiro@hawaii.gov; and

To: Mr. Fabian Mendoza at fabianmendoza8@icloud.com.

Contact the Board immediately if any of the foregoing emails is incorrect or if you do not receive the calendar invitation within one week of the date of this notice.

If the emailed calendar invitation with a hyperlink to the event is unavailable or unsuccessful, call (808) 829-4853 and enter conference ID number **624 448 782#**, on the date and at the time of the hearing.

Any party who has not provided the Board with an email address will be conventionally served a copy of this notice. If you wish to receive an emailed calendar invitation, you must provide the Board with your email address at least two business days before the hearing.

To ensure privacy and propriety of the hearing before the Board, do not share or forward any electronic meeting invitations, conference telephone number, and/or conference ID numbers. If attendance by additional

participants (such as witnesses) is necessary, please provide the Board with the email address(es) of the additional participants at least two business days before the hearing.

The parties are required to immediately notify the Board of any changes to their own contact information, including mailing addresses, email addresses, and telephone numbers.

Refer to the Board's June 29, 2021 Administrative Order 2021-01 for information about filing documents with the Board. (See

<https://labor.hawaii.gov/lirab/files/2021/06/Order-9-06.29.2021.pdf>

Dated: Honolulu, Hawai'i,

Nov 02 2023



DAMIEN A. ELEFANTE, Chair

Excused

MELANIE S. MATSUI, Member



MARIE C.L. LADERTA, Member

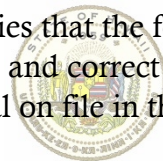
Fabius Mendoza v. HBM Acquisitions, LLC, et al.; AB 2023-123(M); Order to Show Cause

Fabius Mendoza
For Claimant-Appellee

Shawn L.M. Benton, Esq.
For Employer/Insurance
Carrier-Cross-Appellant

Li-Ann Yamashiro, Esq.
For Special Compensation
Fund-Appellee

This certifies that the foregoing is a
full, true, and correct copy of the
original on file in this office.



/s/ *S. Kaaihue* for LIRAB

Fabian Mendoza

A certified copy of the foregoing was served upon the above-captioned parties or their legal representatives on the date of filing noted above.

LABOR APPEALS BOARD - 830 PUNCHBOWL ST, RM 404, HONOLULU, HI 96813 - (808)586-8600

If you need a language interpreter or if you need an auxiliary aid/service or other accommodation due to a disability, please contact the Board at (808) 586-8600 and/or dlir.appealsboard@hawaii.gov as soon as possible, preferably at least ten (10) business days prior to your hearing or conference date. Requests made as early as possible have a greater likelihood of being fulfilled. If a request is received after the reply date, the Board will try to obtain the interpreter, auxiliary aid/service, or accommodation, but the Board cannot guarantee that the request will be fulfilled.

Upon request, this notice is available in alternate/accessible formats such as large print, Braille, or electronic copy.

Equal Opportunity Employer/Program
Auxiliary aids and services are available
upon request to individuals with disabilities.
TDD/TTY Dial 711 then ask for (808) 586-8600

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