

LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD

STATE OF HAWAII

AURORA MANZON,)	CASE NO.: AB 2023-071
)	DCD No.: 2-17-06297
Claimant-Appellant,)	
)	
vs.)	D/A: July 5, 2017
)	
FIRST HAWAIIAN BANK,)	
)	
Employer-Appellee,)	Apr 11 2024, 3:56 pm
)	FILED _{akw}
and)	Labor and Industrial Relations
)	Appeals Board
DTRIC INSURANCE COMPANY,)	
LTD.,)	
)	
Insurance Carrier-)	
Appellee.)	

ORDER OF DISMISSAL

On June 13, 2023, Claimant AURORA MANZON appealed the Director's June 7, 2023 Decision to the Labor and Industrial Relations Appeals Board.

On July 20, 2023, the Board issued a Notice of Initial Conference and Trial setting an initial conference for September 20, 2023 at 10:00 a.m.

On September 19, 2023, the Board issued a Notice Resetting Initial Conference and rescheduled the initial conference to 1:30 p.m. on September 20, 2023.

At the September 20, 2023 initial conference, Alex M. Sonson, Esq., attorney for Claimant, notified the Board that Claimant passed away on

July 11, 2023. Mr. Sonson further notified the Board that Claimant may have dependents and Claimant's son had requested that Mr. Sonson assist with having the son named as Claimant's Personal Representative.

On October 23, 2023, Mr. Sonson filed a Certificate of Death, confirming that Claimant died on July 11, 2023.

To date, the Board has not received written notice from Mr. Sonson that he is no longer representing Claimant. The Board, however, recognizes that, as a general rule, the authority of counsel to proceed with a case is terminated upon the death of the party being represented. *Bagalay v. Lahaina Restoration Foundation*, 60 Haw. 125 (1978).

On November 17, 2023, the Board issued an Order Holding Case in Abeyance and Notice of Intention to Dismiss ("Order Holding Case in Abeyance"). The Order Holding Case in Abeyance ordered this appeal to be held in abeyance until March 15, 2024, pending the Board's receipt of a written appearance by a court-appointed personal representative or special administrator of Claimant's estate. If the Board did not receive any of the above-referenced, written appearances on or before March 15, 2024 and an extension of this deadline was not granted by the Board, the Order Holding Case in Abeyance further ordered that Employer FIRST HAWAIIAN BANK shall have until April 4, 2024 to confirm, in writing, whether or not a special administrator or personal representative of Claimant's estate was appointed on or before March 15, 2024 and:

1. If a special administrator or personal representative of Claimant's estate was not appointed on or before March 15,

2024 Employer shall file a declaration with the Board that confirms this, on or before April 4, 2024.

2. If a special administrator or personal representative of Claimant's estate has been appointed, Employer shall, on or before April 4, 2024:
 - a. Provide the special administrator or personal representative with written notice of the appeal herein, any and all Pretrial Orders pertaining to this appeal, and this Order Holding Case in Abeyance;
 - b. Give notice to the special administrator or personal representative that, on or before May 14, 2024, the special administrator or personal representative must enter an appearance in this appeal and indicate whether the estate plans to continue the appeal with a substitute party or the appeal will be dismissed; and
 - c. File a declaration with this Board that confirms compliance with this order and includes the identity and contact information of the special administrator or personal representative of Claimant's estate.

The Order Holding Case in Abeyance further advised the parties that this appeal may be dismissed after March 15, 2024, unless an appearance is made by either a court-appointed personal representative of Claimant's estate or a special administrator of Claimant's estate.

On April 4, 2024, Employer filed a Notice Regarding Special Administrator or Personal Representative Appointment for Claimant-Appellant ("Notice"). In the Declaration of Counsel submitted in support of the Notice, Employer's counsel stated that he conducted a search of the Hawai'i State Judiciary records and finds no evidence that an action was initiated with the Circuit Court of the First Circuit to appoint a special administrator or personal representative for Claimant's estate. Employer's counsel also stated that he

contacted Mr. Sonson to determine whether he had ascertained if there are any qualified dependents for Claimant or if an action had been initiated to appoint a special administrator or personal representative for Claimant's estate; however, Mr. Sonson has not responded.

There being no evidence to date that a court-appointed personal representative or special administrator of the Estate of Claimant has appeared in this appeal, and there being no request for an extension of the March 15, 2024 deadline to submit a written appearance by a court-appointed personal representative or special administrator of Claimant's estate,

IT IS HEREBY ORDERED that all proceedings before this Board in the above-entitled case be and hereby are dismissed.

Dated: Honolulu, Hawai'i,

Apr 11 2024



DAMIEN A. ELEFANTE, Chair



MARIE C.L. LADERTA, Member

Aurora Manzon v. First Hawaiian Bank, et al.; AB 2023-071; Order of Dismissal

Aurora Manzon, Deceased
For Claimant-Appellant

Robert C. Kessner, Esq.
Beverly S.K. Tom, Esq.
For Employer/Insurance
Carrier-Appellee

Alex M. Sonson, Esq. (courtesy copy)
Formerly for Claimant-
Appellant

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

Order mailed: Apr 11 2024

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

/s/ A. Watanabe for LIRAB