

LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD

STATE OF HAWAI‘I

JONATHAN AHSING,)
)
 Claimant-Appellee,)
)
 vs.)
)
 MARC HAINE, INC.,)
)
 Employer-Appellant,)
)
 and)
)
 TRADEWIND INSURANCE)
 COMPANY, LTD.)
)
 Insurance Carrier-)
 Appellant,)
)
 and)
)
 ISLAND INSURANCE COMPANY,)
 LTD.,)
)
 Insurance Adjuster-)
 Appellant.)

CASE NO.: AB 2023-040
DCD No.: 2-21-55560

D/A: December 6, 2021

Jan 09 2025, 8:22 am

FILED^{akw}

Labor and Industrial Relations
Appeals Board

ORDER REGARDING PROCEEDINGS ON APPEAL

On March 29, 2023, Employer MARC HAINE, INC. appealed the Director’s March 15, 2023 Decision to the Labor and Industrial Relations Appeals Board (“Board”).

On June 20, 2024, Anson O. Rego, Esq., then attorney for Claimant JONATHAN AHSING, informed the Board that Claimant passed away on or about May 30, 2024.

The Board has not received written notice from Anson O. Rego, Esq. 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 July 31, 2024, the Board issued an Order Holding Case in Abeyance. The Order Holding Case in Abeyance ordered that this appeal be held in abeyance until November 29, 2024, pending the Board's receipt of a written appearance by a court-appointed personal representative or special administrator of Claimant's estate (the Estate of JONATHAN AHSING). The Order stated that the deadline for the Board's receipt of this written appearance was November 29, 2024.

On December 3, 2024, pursuant to the Board's July 31, 2024 Order, Employer submitted the Declaration of Darlene Y.F. Itomura, confirming that a personal representative or special administrator of Claimant's estate was not appointed on or before November 29, 2024.

To date, no court-appointed personal representative or special administrator of Claimant's estate has appeared in this appeal.

IT IS HEREBY ORDERED THAT:

1. Employer shall inform the Board, in writing, on or before the close of business **Friday, January 24, 2025** whether or not Employer will proceed with its appeal of the Director's March 15, 2023 Decision.
2. In the event that Employer elects not to proceed with its appeal, herein, Employer shall provide the Board with written notice that Employer withdraws its appeal of the

Director's March 15, 2023 Decision on or before **Friday, January 24, 2025.**

3. In the event that Employer elects to proceed with its appeal, herein, and for so long as there exists no court-appointed personal representative or special administrator of Claimant's estate, Employer shall be responsible for providing appropriate and timely publication/notice of its pleadings, correspondence, documents, and/or materials filed with the Board, as may be required by law.

Dated: Honolulu, Hawai'i,

Jan 09 2025



DAMIEN A. ELEFANTE, Chair

EXCUSED

MARIE C.L. LADERTA, Member



HARRY YEE, Member

Jonathan Ahsing v. Marc Haine, Inc., et al.; AB 2023-040; Order Regarding Proceedings on Appeal

Darlene Y.F Itomura, Esq.
For Employer/Insurance
Carrier/Adjuster-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.

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

Jonathan Ahsing v. Marc Haine, Inc., et al.; AB 2023-040; Order Regarding Proceedings on Appeal

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