

LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD

STATE OF HAWAII

FRANK BAKER,)	CASE NO.: AB 2025-007(H)
)	DCD No.: 1-21-10033
Claimant-Appellant,)	
Deceased,)	
)	D/A: March 28, 2021
vs.)	
)	
STATE OF HAWAII, DEPARTMENT)	
OF PUBLIC SAFETY,)	
)	Jul 16 2025, 9:55 am
Employer-Appellee,)	FILED _{akw}
)	Labor and Industrial Relations
and)	Appeals Board
)	
STATE OF HAWAII, DEPARTMENT)	
OF HUMAN RESOURCES)	
DEVELOPMENT, EMPLOYEE)	
CLAIMS DEVISION,)	
)	
Insurance Carrier-)	
Appellee,)	
)	
and)	
)	
SPECIAL COMPENSATION FUND,)	
)	
Appellee.)	

ORDER OF DISMISSAL

On December 23, 2024, the Director of Labor and Industrial Relations issued an Amended Decision, wherein, in relevant part, the Director awarded Claimant FRANK BAKER, Deceased temporary total disability (“TTD”) benefits from (waiting period: 3/30/2021 through 4/1/2021) April 2, 2021 through December 22, 2023 and further determined that Claimant was entitled

to permanent partial disability (“PPD”) benefits as follows: 7% of the whole person for cervical impairment; 12% of the whole person for lumbar impairment; and 37% of the lower extremity for left hip impairment.¹ The Director further ordered that Employer STATE OF HAWAII, DEPARTMENT OF PUBLIC SAFETY shall pay \$151,080.24 to the SPECIAL COMPENSATION FUND (“SCF”), pursuant to Sections 386-84 and 386-42, Hawaii Revised Statutes (“HRS”).

At the time of the November 12, 2024 hearing before the Director and the Director’s December 23, 2024 Amended Decision, Claimant was deceased. According to the Amended Decision, Claimant died approximately 1 year before, on December 22, 2023.

The Director’s December 23, 2024 Amended Decision also reflects that the decedent Claimant was “not represented at the hearing and the Director was not contacted to request a postponement of the hearing.”

The Director’s December 23, 2024 Amended Decision also states that “[t]he file is absent any WC-5A or other documentation identifying any dependents.”

To date, the file does not reflect a Death Certificate, confirming that Claimant died. However, the file reflects an obituary from the Hawaii Tribune Herald, dated February 12, 2024, which states that “Frank M. Baker. .

¹ Although not expressly set forth in the Director’s Amended Decision, the award of PPD totals \$151,080.24 calculated as follows: 7% x 312 weeks x \$911/week = \$19,896.24; 12% x 312 weeks x \$911/week = \$34,107.84; and 37% x 288 weeks x \$911/week = \$97,076.16.

. of Pahoa” died on December 22, 2023. According to the records before the Labor and Industrial Relations Appeals Board, Claimant’s last known address was 15-2830 Maiko Street, Pahoa, Hawaii 96778. The Hawaii Tribune Herald identified “Saya Baker” as Frank M. Baker’s son.

On January 13, 2025, “Sayaalii K. Baker” appealed the Director’s December 23, 2024 Amended Decision to the Labor and Industrial Relations Appeals Board (“Board”). Sayaalii K. Baker identified himself as “Claimant.” At the time of said appeal, Sayaalii K. Baker did not file any document(s) with the Board confirming that he is the court-appointed personal representative or special administrator of Claimant’s estate.

On February 12, 2025, the Board issued an *Order Holding Case in Abeyance and Notice of Intention to Dismiss*. In relevant part, the Board stated that no court-appointed personal representative or special administrator of Claimant’s estate has appeared in this appeal. The Board ordered that this appeal be held in abeyance until June 20, 2025, pending the Board’s receipt of a written appearance by a court-appointed personal representative or special administrator of Claimant’s estate. The Board ordered that such appearance be made on or before June 20, 2025, otherwise, this case may be dismissed.

By way of its February 12, 2025 order, the Board specifically directed Sayaalii K. Baker to file the appropriate document(s) with the Board to demonstrate that he is the court-appointed personal representative or special administrator of Claimant’s estate by June 20, 2025, if Sayaalii K. Baker intended to substitute as Claimant in the above-referenced appeal.

The Board noticed all known parties/interested persons that if it did not receive any of these documents by June 20, 2025 and no extension of the June 20, 2025 deadline was granted, this appeal may be dismissed.

A copy of the Board's February 12, 2025 order was served upon Sayaalii K. Baker via U.S. Mail and email at his last known addresses.

On June 26, 2025, Shawn L.M. Benton, Esq, on behalf of Employer and consistent with the Board's February 12, 2025 order, submitted a declaration to the Board. Said declaration confirmed that there is no indication that a special administrator or personal representative of Claimant's estate was appointed on or before June 20, 2025.

On June 30, 2025, Michael J.S. Moriyama, Esq., on behalf of the SCF and consistent with the Board's February 12, 2025 order, submitted a declaration to the Board. According to said declaration, Mr. Moriyama called Sayaalii K. Baker on June 20, 2025 regarding the requirement that Sayaalii K. Baker needed to file appropriate document(s) with the Board demonstrating that he is the court-appointed personal representative or special administrator of Claimant's estate. Said declaration confirmed that there is no indication that a special administrator or personal representative of Claimant's estate was appointed on or before June 23, 2025.

No court-appointed personal representative or special administrator of Claimant's estate has appeared in this appeal.

No person or party has requested an extension of the Board's February 12, 2025 order, and no extension of the deadlines as set forth in the

Board's February 12, 2025 order have been granted.

Sayaalii K. Baker is not recognized by the Board as the court-appointed personal representative or special administrator of Claimant's estate.

ANALYSIS/DISCUSSION

The above-referenced case is before the Board as a result of an "appeal" filed by Sayaalii K. Baker ("Mr. S. Baker") from the Director's December 23, 2024 Amended Decision. However, before this matter may proceed on appeal and before the Board, the Board must first determine whether Mr. S. Baker may properly pursue an appeal of the Director's Amended Decision.

It is well-settled that:

. . . an heir of an undistributed estate, who has not been judicially appointed as the personal representative of a decedent's estate, is not a "proper party" for substitution

Roxas v. Marcos, 89 Haw. 91 (1998), (analyzing the application of HRCF Rule 25(a)(1) and citations omitted). Furthermore,

The majority rule in other jurisdictions is that only judicially appointed representatives may be substituted for a decedent party.

Id. (citations omitted).

Thus, in order for Mr. S. Baker to have properly appealed the Director's Amended Decision, he must demonstrate that he is the court-appointed personal representative or special administrator of Claimant's estate.

Without such a demonstration, Mr. S. Baker cannot substitute as Claimant for purposes of this case.

By way of the Board's February 12, 2025 order, Mr. S. Baker was provided until June 20, 2025 to provide document(s) to the Board to demonstrate that he was the court-appointed personal representative or special administrator of Claimant's estate. As a courtesy to Mr. S. Baker, a copy of the Board's February 12, 2025 order was served upon him by both U.S. Mail and email at his last known addresses, providing notice to Mr. S. Baker of the necessity of documents showing that he is the court-appointed personal representative or special administrator of Claimant's estate. Further notice of this requirement was apparently provided to Mr. S. Baker by Mr. Moriyama of the SCF. Mr. S. Baker, however, did not submit any document(s) to the Board showing that he is the court-appointed personal representative or special administrator of Claimant's estate. Thus, Mr. S. Baker cannot be recognized as a proper party to this appeal.

Because Mr. S. Baker has not demonstrated that he possessed the proper authority to pursue an appeal of the Director's Amended Decision, the appeal is defective, and the Board does not have jurisdiction over the appeal, herein.

The Board's February 12, 2025 order was also posted on the Board's website. No person has submitted documents to the Board showing that he/she/they is/are the court-appointed personal representative or special administrator of Claimant's estate.

Given that no person has appeared as the court-appointed personal representative or special administrator of Claimant's estate and given that Sayaalii K. Baker did not possess the requisite authority to pursue an appeal of the Director's Amended Decision, the Board dismisses the appeal herein.

ORDER

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

Dated: Honolulu, Hawai'i,

Jul 16 2025



DAMIEN A. ELEFANTE, Chair



MARIE C.L. LADERTA, Member



HARRY YEE, Member

Frank Baker v. State of Hawaii, Department of Public Safety, et al.; AB 2025-007(H); Order of Dismissal

A digital copy of the above-referenced document was also posted on the Board's website and will remain on the Board's website for at least 180 days from the date indicated below.

Frank Baker, Deceased
For Claimant-Appellant

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

Michael J.S. Moriyama, Esq.
For Special Compensation
Fund-Appellee

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
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upon request to individuals with disabilities.
TDD/TTY Dial 711 then ask for (808) 586-8600

Frank Baker v. State of Hawaii, Department of Public Safety, et al.; AB 2025-007(H); Order of Dismissal

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