

LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD

STATE OF HAWAII

JAMES MUNDON,	)	CASE NO.: AB 2021-017(K)
	)	DCD No.: 4-18-00332
Claimant-Appellant,	)	
	)	
vs.	)	D/A: April 9, 2018
	)	
ALTRES, INC.,	)	
	)	
Employer-Appellee,	)	Nov 04 2025, 7:48 am
	)	<b>FILED</b> <sub>akw</sub>
and	)	Labor and Industrial Relations
	)	Appeals Board
SEDGWICK CMS - HAWAII,	)	
	)	
Insurance Carrier-	)	
Appellee.	)	

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ORDER OF DISMISSAL

On December 25, 2020, Claimant JAMES MUNDON appealed the December 8, 2020 Decision of the Director of Labor and Industrial Relations (“Director”) to the Labor and Industrial Relations Appeals Board (“Board”).

On March 8, 2021, Claimant JAMES MUNDON designated **Barbara M. Oki-Mundon** (“Mrs. Mundon”) as his representative.

On or about August 31, 2021, the Board received information that Claimant JAMES MUNDON passed away.

On December 9, 2021, Mrs. Mundon filed a Certificate of Death with the Board, confirming that Claimant JAMES MUNDON (“Claimant”) died on **August 27, 2021**.

On January 17, 2025, the Board issued an Order Holding Case in Abeyance and Notice of Intention to Dismiss (“Order”) that held this case in abeyance until May 21, 2025 and ordered Employer ALTRES, INC., to file a declaration, on or before June 10, 2025, stating whether or not a court-appointed special administrator or personal representative of Claimant’s estate was appointed on or before May 21, 2025. In the event that a special administrator or personal representative of Claimant’s estate was appointed, the Board’s Order further directed Employer to provide the special administrator or personal representative with certain notices and documents pertaining to the above-referenced appeal and to provide the Board with the identity and contact information of the special administrator or personal representative of Claimant’s estate, on or before June 10, 2025.

The Board’s January 17, 2025 Order explained that pursuant to Hawaii Revised Statutes (“HRS”), Chapter 560, Uniform Probate Code, the Hawaii Circuit Courts have jurisdiction to appoint a special administrator or personal representative to an individual’s estate. Because a special administrator or personal representative can only be appointed by a circuit court, the Board notified Employer that it could utilize eCourt\* Kokua<sup>1</sup> to conduct a quick, electronic search of the Hawaii State Judiciary’s court records to determine if a special administrator or personal representative has been appointed for Claimant’s estate.

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<sup>1</sup> E.g., eCourt\* Kokua:  
<http://jimspss1.courts.state.hi.us:8080/eCourt/ECC/ECCDisclaimer.iframe;jsessionid=10F561DB500CD4C171C64655EEA1B244>

On June 10, 2025, Katharine M. Nohr, Esq., attorney for Employer, filed a Declaration Re: Special Administrator. Ms. Nohr stated that she was “advised by **John Yuen, Esq.** that no special representative was appointed, [sic] because the estate was too small.” (Emphasis added.) Ms. Nohr then stated that “no special representative was appointed based on the facts [she has].”

Ms. Nohr’s June 10, 2025 submission did not provide adequate assurance to the Board of the absence of any court-appointed personal representative or special administrator for Claimant’s estate. Apparently, Ms. Nohr presumed that no personal representative or special administrator was appointed by the court based solely upon her communication with Mr. Yuen, who attempted to appear before this Board as the attorney for Claimant, after Claimant had died. Simply because Mr. Yuen, whether on behalf of a client or himself, did not pursue the court’s appointment as the personal representative or special administrator of Claimant’s estate does not necessarily mean that another attorney or person did not pursue the same. Mr. Yuen’s representations did not foreclose the possibility that another person or entity was not appointed by the court as the personal representative or special administrator of Claimant’s estate.

Conspicuous by its absence was any confirmation that Ms. Nohr had confirmed the absence of a court-appointed personal representative or special administrator of Claimant’s estate by conducting a quick, electronic search of the Hawaii State Judiciary court records (e.g., by utilizing eCourt\*

Kokua), as explained in the Board’s January 17, 2025 Order.

On July 16, 2025, the Board issued an Order to Show Cause (“OSC”), ordering Employer to show cause why it should not be sanctioned for failing to file a declaration on or before June 10, 2025 which confirms the result(s) of a search of the Hawaii State Judiciary court records for a court-appointed personal representative or special administrator of Claimant’s estate, consistent with the Board’s January 17, 2025 Order.

On July 29, 2025, Employer filed its Response to Order to Show Cause, confirming that no personal representative or special administrator of Claimant’s estate was appointed.

On October 31, 2025, Mr. Yuen, representing himself as the “Attorney for Claimant-Appellant” filed a Withdrawal of Appeal Filed December 26, 2026. The Board does not recognize Mr. Yuen as Claimant’s attorney. The following legal authorities are relevant:

“A deceased person cannot be a party to a legal proceeding, and the effect of death is to suspend the action as to the decedent until his legal representative is substituted as a party.” *Bagalay v. Lahaina Restoration Foundation*, 60 Haw. 125 (1978) (citations omitted.)

“As a general rule, the authority of counsel to proceed with a case is terminated upon the death of the party being represented . . . but the courts can pass upon questions raised and listen to suggestions as to their disposal from an attorney who is an officer of the court . . . .” *Id.*

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 July 21, 2025 deadline to submit a written appearance by a court-appointed personal representative or special administrator of Claimant's estate,

IT IS HEREBY ORDERED that no sanctions shall be assessed against Employer pursuant to the Board's July 16, 2025 OSC.

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

Dated: Honolulu, Hawai'i,

Nov 04 2025



DAMIEN A. ELEFANTE, Chair



MARIE C.L. LADERA, Member



HARRY YEE, Member

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*James Mundon v. Altres, Inc., et al.; AB 2021-017(K); Order of Dismissal*

Katharine M. Nohr, Esq.  
For Employer/Insurance  
Carrier-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.

Order mailed on: Nov 04 2025

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](mailto: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.

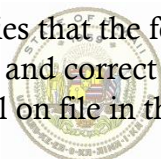
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*James Mundon v. Altres, Inc., et al.; AB 2021-017(K); Order of Dismissal*

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