

LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD

STATE OF HAWAII

FABIUS MENDOZA,	)	CASE NO.: AB 2023-123(M)
	)	DCD No.: 7-18-01186
Claimant-Appellee,	)	
Deceased,	)	D/A: July 23, 2018
vs.	)	
	)	
HBM ACQUISITIONS, LLC,	)	
	)	<b>May 22 2026, 11:24 am</b>
Employer-Appellant,	)	<b>FILED</b> <sub>akw</sub>
and	)	Labor and Industrial Relations
	)	Appeals Board
ISLAND INSURANCE COMPANY,	)	
LTD.,	)	
	)	
Insurance Carrier-	)	
Appellant,	)	
and	)	
	)	
SPECIAL COMPENSATION FUND,	)	
	)	
Appellee.	)	

ORDER DISMISSING APPEAL FILED BY FABIAN MENDOZA  
and  
ORDER REGARDING PROCEEDINGS ON APPEAL

Claimant, Deceased FABIUS MENDOZA (“Claimant”) was previously represented by Timothy P. McNulty, Esq. On May 15, 2023, Mr. McNulty filed a “Certification of Vital Record” from the State of California, dated May 8, 2023, confirming that Claimant died on January 1, 2023.

The Board 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).

Consistent with this rule, on or about August 2, 2023, Mr. McNulty informed the Director of Labor and Industrial Relations (“Director”) that he does not represent Claimant and does not represent Claimant’s Estate.

On August 30, 2023, **Fabian Mendoza**, who is not the claimant in the above-referenced matter, appealed the Director’s August 16, 2023 Decision Supplemental to Award Dated 12/6/2018 (“Supplemental Decision”) to the Labor and Industrial Relations Appeals Board.

On September 5, 2023, Employer HBM ACQUISITIONS, LLC and Insurance Carrier ISLAND INSURANCE COMPANY, LTD. (collectively, “Employer”) filed an appeal of the Director’s Supplemental Decision.

On September 7, 2023, the Director provided **Fabian Mendoza** with a Form WC-5A Dependents’ Claim for Workers’ Compensation. No claim for dependents’ benefits has been filed by **Fabian Mendoza** or any other person in the above-entitled workers’ compensation case.

On November 2, 2023, the Board issued an Order to Show Cause which ordered the parties to show cause as to why **Fabian Mendoza**’s August 30, 2023 appeal should not be dismissed for failure to establish his standing to file an appeal of the Director’s Supplemental Decision and/or his authority to file an appeal of the Director’s Supplemental Decision on behalf of Claimant. A hearing on this matter was scheduled before the Board on November 30, 2023.

On November 30, 2023, the Board held a hearing on its November 2, 2023 Order to Show Cause. Shawn L.M. Benton, Esq. appeared on behalf of Employer, and William N. Crowell, Esq. appeared on behalf of the SPECIAL

COMPENSATION FUND (“SCF”). **Fabian Mendoza** did not appear at the November 30, 2023 hearing.

On December 30, 2025, 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 April 29, 2026, 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 April 29, 2026 and an extension of this deadline was not granted by the Board, the Order Holding Case in Abeyance further ordered that Employer and the SCF shall have until May 19, 2026 to confirm, in writing, whether or not a special administrator or personal representative of Claimant’s Estate was appointed on or before April 29, 2026 and:

1. If a special administrator or personal representative of Claimant’s estate was not appointed on or before April 29, 2026, Employer and the SCF shall file a declaration with the Board that confirms this, on or before May 19, 2026.
2. If a special administrator or personal representative of Claimant’s estate has been appointed, Employer and the SCF shall, on or before May 19, 2026:
  - 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 June 29, 2026, 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 and gave notice that this appeal may be dismissed after April 29, 2026, unless an appearance is made by either a court-appointed personal representative of Claimant's Estate or a special administrator of Claimant's Estate.

In relevant part, a copy of the Board's December 30, 2025 Order Holding Case in Abeyance was emailed and mailed (via U.S. Mail) to **Fabian Mendoza** and was also posted on the Board's website.

On December 31, 2025, the Board responded via correspondence to a December 31, 2025 email from **Fabian Mendoza** which requested that the Board "grant [his] appeal." In relevant part, the Board referred **Fabian Mendoza** to the Board's December 30, 2025 Order Holding Case in Abeyance and further explained that "just because [he] may be the twin brother of Claimant FABIUS MENDOZA or because [he claimed] to be a 'dependent' of Claimant FABIUS MENDOZA, [he did] not necessarily possess the legal authority to substitute in as a party to this case." The Board requested that if he [**Fabian Mendoza**] is the court-appointed personal representative or special administrator of Claimant's Estate, then he should provide a copy of the Letters of Administration filed by the Circuit Court of the State of Hawaii confirming this.

No further communication was received by the Board from **Fabian Mendoza**.

On May 18, 2026, the SCF filed the Declaration of Li-Ann Yamashiro, Esq., attorney for the SCF. Ms. Yamashiro stated that she conducted a search of the Judiciary Information Management System (JIMS) on eCourt Kokua and found no evidence that a personal representative or special administrator had been appointed by a Hawaii court for Claimant's Estate. The Board credits the Declaration of Ms. Yamashiro.

On May 19, 2026, Employer filed the Declaration of Shawn L.M. Benton, Esq., attorney for Employer. Therein, Ms. Benton stated she conducted searches of both Claimant and **Fabian Mendoza** in JIMS eCourt Kokua, as well as the Disability Compensation Division ("DCD") eCMS Web Portal and found no evidence that a personal representative or special administrator had been appointed by a Hawaii court for Claimant's Estate on or before April 29, 2026. The Board credits the Declaration of Ms. Benton.

Also on May 19, 2026, Employer filed the Supplemental Declaration of Benton. Therein, Ms. Benton stated that she conducted searches of both Claimant and **Fabian Mendoza** in the Superior Court of California of Los Angeles County and found no evidence that a personal representative or special administrator had been appointed for Claimant's Estate on or before April 29, 2026. The Board credits the Supplemental Declaration of Ms. Benton.

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 April 29, 2026 deadline to submit a written appearance by a court-appointed personal representative or special administrator of Claimant's estate,

IT IS HEREBY ORDERED that:

1. The Board's abeyance of the above-referenced case is lifted;
2. The appeal filed by **Fabian Mendoza** on August 30, 2023 in the above-entitled case be and hereby is DISMISSED; and
3. In the absence of a withdrawal of appeal, herein, submitted and filed by Employer and an order dismissing Employer's 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.

May 22 2026

Dated: Honolulu, Hawai'i,

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DAMIEN A. ELEFANTE, Chair



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MARIE C.L. LADERTA, Member



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HARRY YEE, Member

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*Fabius Mendoza v. HBM Acquisitions, LLC, et al.*; AB 2023-123(M); Order  
Dismissing Appeal Filed by Fabian Mendoza and Order Regarding Proceedings  
on Appeal

A digital copy of the Board's Order Dismissing Appeal Filed by Fabian Mendoza and Order Regarding Proceedings on Appeal was also posted on the Board's website and will remain on the Board's website for at least 180 days from the date of filing.

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

Li-Ann Yamashiro, 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.

This Order Dismissing Appeal Filed by Fabian Mendoza and Order Regarding Proceedings on Appeal was mailed on: May 22 2026.

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 [dllr.appealsboard@hawaii.gov](mailto:dllr.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  
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TDD/TTY Dial 711 then ask for (808) 586-8600

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*Fabius Mendoza v. HBM Acquisitions, LLC, et al.; AB 2023-123(M); Order Dismissing Appeal Filed by Fabian Mendoza and 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*