

TESTIMONY

GM 361

TESTIMONY OF
MELANIE S. MATSUI

BEFORE THE

SENATE COMMITTEE ON LABOR

Senator Dwight Y. Takamine, Chair
Senator Brian T. Taniguchi, Vice Chair

Hearing Date: Thursday, May 9, 2009

Hearing Time: 2:45 p.m.

Conference Room 224

State Capitol

Chair Takamine, Vice Chair Taniguchi, and the members of the Senate Committee on Labor: thank you for this opportunity to provide you with background information about myself with respect to your consideration of my appointment to the Labor and Industrial Relations Appeals Board.

I was born and raised in Wahiawa, Hawaii, where I graduated from Leilehua High School. Thereafter, I attended Eastern Oregon State College for two years, before transferring to Willamette University in Salem, Oregon, where I graduated with a Bachelor of Science degree in English. I also graduated from the Willamette University College of Law, with a Juris Doctor degree.

During my 15 years in private practice, with three firms, I have been fortunate to work in the field of workers' compensation with attorneys who have shared with me their knowledge of, and passion for, that area of law. I have also practiced in the field of civil litigation with attorneys who are well-respected and experienced, and who have graciously taken me under their wings. Such experiences have allowed me to understand both civil and administrative proceedings.

Since September 1, 2008, I have been serving as a member of the Labor and Industrial Relations Appeals Board, on an interim basis, pending Senate confirmation. During my time at the Appeals Board, I have worked with parties and attorneys in initial conferences, settlement conferences, and status conferences, and participated in deciding trials and motions. I have applied the workers' compensation laws and rules to the cases on appeal, and contributed to deliberations with the other Board members, to make determinations on various issues.

The Board, like other agencies, is experiencing difficult times during this economic recession. Our very small staff has been reduced by two valuable employees, both of whom were attorneys who assisted with preparation of decisions and orders. Although we are fully aware that this reduction impacts us greatly, and will affect the service we are able to provide, we continue our goal of providing the best and most efficient service possible, under these circumstances. Toward that end, I (like others in our office) have attempted to assist in all areas of the office

TESTIMONY OF MELANIE S. MATSUI
BEFORE THE SENATE COMMITTEE ON LABOR
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Conference Room 224
State Capitol

Page 2

where ever and whenever possible. This has given me a broader understanding of the services provided by our office.

I look forward to continuing as a member of the Labor and Industrial Relations Appeals Board, and to contribute to the Appeals Board's role by properly and consistently applying the workers' compensation laws set forth in Chapter 386 of the Hawaii Revised Statutes, so that we may provide quality service to workers' compensation claimants and their employers.

I firmly believe that having impartial, fair, and objective decision-makers is the cornerstone of our legal system. As an attorney and a member of the Labor and Industrial Relations Appeals Board, I share that commitment.

I believe that my experience and genuine passion for the field of workers' compensation and all parties who participate in that field provide a solid foundation for the position of a Labor and Industrial Relations Appeals Board member. I ask for you to support my nomination to the Labor and Industrial Relations Appeals Board. Thank you very much.

/s/ Melanie S. Matsui



Roland Q.F. Thom, Chairman
Melanie S. Matsui, Member
David A. Pendleton, Member

LABOR & INDUSTRIAL RELATIONS APPEALS BOARD

KEELIKOLANI BUILDING
830 PUNCHBOWL STREET, ROOM 404
HONOLULU, HAWAII 96813
PHONE: (808) 586-8600

April 8, 2009

TESTIMONY OF THE
LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD

BEFORE THE

SENATE COMMITTEE ON LABOR

Senator Dwight Y. Takamine, Chair
Senator Brian T. Taniguchi, Vice Chair

Thursday, April 9, 2009; 2:45pm
State Capitol, Conference Room 224

IN SUPPORT OF

GM 361: Nomination of

Melanie S. Matsui

to the Labor and Industrial Relations Appeals Board

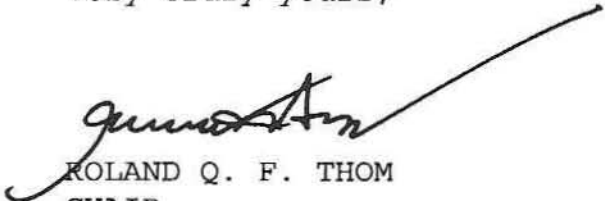
Chair Takamine, Vice Chair Taniguchi, and Members of this
Honorable Committee:

Thank you for allowing us to testify in **strong support** of the Governor's appointment of Melanie S. Matsui as a member of the Labor and Industrial Relations Appeals Board. At the outset, we must state that it is a privilege to submit such testimony. We have had the rare opportunity to work with her while she served on an interim basis for the last six months. Therefore, we are able to provide your honorable committee with our comments and our view that her confirmation should take place immediately.


Ms. Matsui brings with her boundless energy and enthusiasm in contributing to the Board's tasks and efficient operation of the Board. In the last few months, she has developed and implemented an electronic calendaring system using existing technology, which will enable the Board to schedule matters with far greater precision and efficiency than in the past. She has already demonstrated an ability to work hard, and in so doing, she has brought new and unique insights to the Board's decisions and orders. In her comparatively short tenure with the Board, she has established that she will be an asset to the Board and even more importantly, that she fits exceptionally well with us, her colleagues, and the entire Board staff.

We have no reservations in recommending Melanie S. Matsui for your favorable consideration and prospective confirmation.

Very truly yours,



ROLAND Q. F. THOM
CHAIR



DAVID A. PENDLETON
MEMBER

April 7, 2009

The Honorable Dwight Takamine,
Chairman of the Senate Committee On Labor
Hawaii State Capitol
415 S. Beretania St. Rm 204
Honolulu, HI 96813

RE: GM 361
Appointment of Melanie S. Matsui to the
Labor and Industrial Relations Appeals Board

Dear Chairman Takamine:

I am writing to support the appointment of Melanie S. Matsui to the Labor Industrial Relations Appeals Board (ABoard@).

Ms. Matsui is an attorney who has had a very productive private practice in which she represented clients in the courts and before administrative law agencies, including the Board. She will bring to the Board a complete theoretical and practical knowledge of the evolution and the application of the workers= compensation law.

Ms. Matsui has appeared frequently before the Board of which I was a member for the last twenty-three years. I consider her to be an excellent litigator.

I have also observed and worked with Ms. Matsui in cases that did not go to trial. Ms. Matsui is naturally even-tempered and has the ability to work with her clients and opposing counsel to bring about a rational and fair resolution for all parties. She is an empathetic and skilled listener and has the respect of all advocates and decision-makers.

Ms. Matsui=s integrity is impeccable and her compassion is tempered by objectivity. She brings to the Board incomparable analytical and writing skills, and, in so doing, will bring more stability and predictability of existing law to both the Disability Compensation Division of the Department of Labor and Industrial Relations and to the Hawaii Supreme Court.

I believe Ms. Matsui to be the ideal person for the position of member of the Board. She has, without question, the intellectual and scholarly ability, the broad experience and knowledge of

insurance and labor law that will provide her with

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the depth to approach any case presented, the ideal judicial temperament, the respect of all she has worked with, and tremendous interpersonal skills.

I highly recommend to you the appointment of Melanie S. Matsui.

Should you have any questions, I can be reached at 531-0016.

Very truly yours,

Carol K. Yamamoto

Former Member of the Labor and Industrial
Relations Appeals Board

LINDA LINGLE
GOVERNOR



DARWIN L.D. GHING
DIRECTOR

COLLEEN Y. LaCLAIR
DEPUTY DIRECTOR

GARY S. HAMADA
ADMINISTRATOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
DISABILITY COMPENSATION DIVISION

830 PUNCHBOWL STREET, ROOM 209
P.O. BOX 3769
HONOLULU, HAWAII 96812-3769
www.hawaii.gov/labor
Phone: (808) 586-9151 / Fax: (808) 586-9219

March 12, 2009

President Dwight Takamine
Senate Labor Committee
State Capitol, Suite 224
Honolulu, Hawaii 96813

Dear President Takamine:

I am writing in **support** of the nomination of Melanie S. Matsui to the Labor and Industrial Relations Appeals Board. She is a hard worker and highly intelligent young woman who would be a great member of this board.

As an adjuster, I had the privilege of working with Ms. Matsui on several workers' compensation claims. Her professionalism and extensive knowledge of the workers' compensation law made her a tough but fair representative for the employer.

I respectfully request that the Senate confirm Ms. Matsui's appointment to serve on the Labor and Industrial Appeals Board.

Sincerely,

A handwritten signature in black ink, appearing to read "Lois Iyomasa".

Lois Iyomasa
Disability Compensation Division
Workers' Compensation Hearings Officer

MATSUI CHUNG

*Attorneys-at-Law
A Law Corporation*

Randall Y. S. Chung
Ward F. N. Fujimoto
Michael S. Hult
Archie T. Ikehara

Clyde Wm Matsui
James H. Monma
Marilyn S.H. Naitoh
Milton S. Tani

March 31, 2009

Dwight Y. Takamine
1st Senatorial District
Hawaii State Capitol, Room 204
415 South Beretania Street
Honolulu, Hawaii 96813

Re: Melanie S. Matsui; GM No. 361

Dear Senator Takamine:

This letter is written in **support** of Melanie S. Matsui's appointment to the Labor and Industrial Relations Appeals Board ("LIRAB").

Melanie joined our firm in August 2001. She resigned at the end of August 2008 to serve as a member of the LIRAB, on an interim basis, pending Senate approval. During the time she worked at our firm, she was a hard worker, always putting in the time to ably represent our clients in both civil and workers' compensation matters, and taking on administrative matters that needed attention.

I believe that she will be an asset to the LIRAB, and will serve the State of Hawaii by treating all parties appearing, and deciding all issues pending, before the LIRAB in a fair and unbiased manner.

Very truly yours,

MATSUI CHUNG

By: 

RANDALL Y.S. CHUNG

CHUN & DECOURCY, LLC

CARLTON W.T. CHUN, ESQ.

LEILANI A. DECOURCY, ESQ.

March 4, 2009

Dwight Takamine
First Senatorial District
Chairman, Senate Committee On Labor
Hawaii State Capitol, Room 204
415 Beretania Street
Honolulu, HI 96813

Re: Confirmation of Melanie S. Matsui as Member of the Labor and Industrial Relations Appeals Board

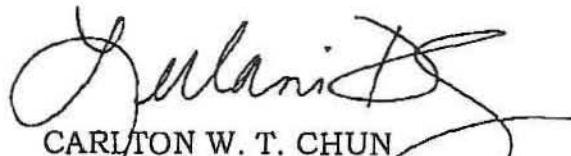
Dear Mr. Takamine:

Please consider this **my endorsement** of Melanie S. Matsui to become a permanent member of the Labor and Industrial Relations Appeals Board.

Ms. Matsui has acting as an interim Board member since September, 2008. Ms. Matsui has been the presiding Board member on several appeals in which our firm has been involved. Ms. Matsui's experience within the workers' compensation arena as well as in civil litigation in general, has prepared her to assume the role of both mediator and adjudicator. I can personally attest to Ms. Matsui's ability to persuade parties to see both the strengths and weaknesses of their respective positions regarding the issues on appeal and to help craft and facilitate reasonable settlements wherein both parties have negotiated their positions.

Please do not hesitate to contact me if you have any questions or need any further information.

Very truly yours,



CARLTON W. T. CHUN
LEILANI A. DECOURCY

CHUN & DECOURCY LLC

CARLTON W. T. CHUN, ESQ.

LEILANI A. DECOURCY, ESQ.

February 26, 2009

Dwight Takamine
First Senatorial District
Chairman, Senate Committee On Labor
Hawaii State Capitol, Room 204
415 Beretania Street
Honolulu, HI 96813

Re: Confirmation of Melanie S. Matsui as Member of the Labor and Industrial Relations Appeals Board

Dear Mr. Takamine:

Please consider this **my endorsement** of Melanie S. Matsui to become a permanent member of the Labor and Industrial Relations Appeals Board. As you long as I have known her, Ms. Matsui has always had the reputation in the workers' compensation community of being experienced, confident and professional. I know for a fact that she is well-respected by both sides of the workers' compensation bar, as well as the Disability Compensation Division and Appeals Board. As a seasoned practioner in both workers' compensation (and also general civil litigation), she understands the practicalities of litigation which will serve her well as she acts as both mediator and jurist.

Ms. Matsui has already been acting as an interim Board member, and appears comfortable in her role as an impartial adjudicator. I have already been involved in one case in which she has played an instrumental and active role in getting the parties to reach middle ground.

The appointment of Ms. Matsui is a good one. There is no doubt in my mind that Ms. Matsui has the potential to be the calm, reasonable and stabilizing factor that her predecessor, Carol Yamamoto, was for so many years on the Appeals Board. I urge you to confirm this appointment. Please do not hesitate to contact me if you have any questions or need any further information.

Very truly yours,



CARLTON W. T. CHUN
LEILANI A. DECOURCY

KESSNER UMEBAYASHI
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ATTORNEYS AT LAW
LAW CORPORATION

220 SOUTH KING STREET
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February 26, 2009

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E-MAIL: lawyers@kdubm.com

Via E-Mail
sentakamine@capitol.hawaii.gov

Senator Dwight Takamine

Re: Confirmation of Melanie Matsui

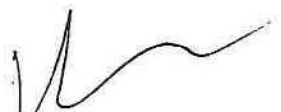
Dear Senator Takamine:

Melanie Matsui is extremely qualified to serve on the Labor and Industrial Relations Appeals Board. She has practiced in this area extensively and has the experience to do a great job.

She is well versed on the law, has the right temperament and is extremely hard working. I know she will be an asset to the Labor and Industrial Relations Appeals Board. She was appointed on an interim basis and has already proven that she can do a great job. I would highly support her confirmation to the Labor and Industrial Relations Appeals Board. Thank you.

Very truly yours,

KESSNER UMEBAYASHI
BAIN & MATSUNAGA



CLYDE UMEBAYASHI

CU:kk

C:\Admin\CU\Personnel\Ltr of Recommendations re Melanie Matsui.vpd

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February 26, 2009

Senator Dwight Y. Takamine
First Senatorial District
Chairman, Senate Committee on Labor
Hawaii State Capitol, Room 204
415 South Beretania Street
Honolulu, Hawaii 96813

Re: Melanie S. Matsui, Esq.
Nomination to Labor and Industrial Relations
Appeals Board
Governor's Message No. 361 (January 29, 2009)

Dear Chairman Takamine:

I am writing this letter in support of the Governor's nomination of Melanie S. Matsui, Esq., to the Labor and Industrial Relations Appeals Board ("Appeals Board") in the Governor's Message No. 316 (January 29, 2009). In my opinion, Melanie would be an excellent addition to the Appeals Board.

I have known Melanie since she began practicing law in Hawaii in 1992. She is an excellent lawyer. Her practice was primarily litigation and involved a considerable amount of worker's compensation issues. Although she primarily practiced in the area of tort and insurance defense, she gained a deserved reputation for diligence, competence, honesty, the highest ethical standards and fairness. Both our firm and I personally have been involved with cases in which Melanie has been defending. It was a pleasure to deal with her. In addition, I have been an arbitrator in a number of cases in which Melanie has represented one of the parties. Her work was excellent. Her submissions were timely, well reasoned, well written and to the point. The same is true for her oral presentations.

Senator Dwight Y. Takamine
February 26, 2009
Page 2

I believe that she will approach her duties on the Appeals Board the same way: with diligence, competence, well written, well reasoned, to the point decisions, and above all, with the highest of ethics and fairness.

If I can provide any further information or answer any questions you or the Committee may have, please do not hesitate to contact me.

Sincerely,


David L. Fairbanks

DLF:jy

cc: Members of the Senate Committee on Labor
Melanie S. Matsui, Esq.

Cronin, Fried, Sekiya, Kekina & Fairbanks

Attorneys at Law, A Law Corporation

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February 26, 2009

Senator Dwight Y. Takamine
First Senatorial District
Chairman, Senate Committee on Labor
Hawaii State Capitol, Room 204
415 South Beretania Street
Honolulu, Hawaii 96813

RE: Senate Confirmation of Melanie S. Matsui to Labor and Industrial Relations
Appeals Board (Governor's Message No. 361)

Dear Senator Takamine:

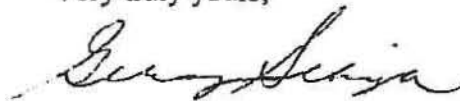
I write in **support** of Senate Confirmation of the Governor's nomination of Melanie S. Matsui to the Labor and Industrial Appeals Board.

I have known Ms. Matsui for over ten years, both as opposing counsel in cases with our office and when I worked as a mediator in cases where she represented one of the parties. Based on these experiences, I can attest to her ability and character being at the highest level. She has always conducted herself with integrity as a very competent lawyer.

Melanie Matsui will serve Hawaii well if the Senate confirms her nomination. I fully support her confirmation and respectfully ask for your consideration in confirming her appointment to our Labor and Industrial Appeals Board.

If I can provide further information, please feel free to contact me.

Very truly yours,



Gerald Y. Sekiya

GYS:dct

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RICHARD H. HIRAI
e-mail: rhirai@hlth-law.com
CRAIG H. HIRAI
e-mail: chirai@hlth-law.com

February 27, 2009

Via Facsimile -
#586-7339

Honorable Dwight Takamine
Chairman - Senate Committee on Labor
First Senatorial District
State Capitol, Room 2004
415 S. Beretania Street
Honolulu, Hawaii 96813

Dear Senator Takamine:

Re: Melanie Matsui - Labor and Industrial Relations
Appeals Board Appointee

I am an attorney with an extensive practice involving workers' compensation claims. I represent both injured employees and a workers' compensation insurance carrier and have done so for many years. I have had the opportunity of handling cases in which Ms. Matsui was been opposing counsel and have been involved in several cases at the Labor and Industrial Relations Appeals Board during her service as an interim appointee. **I believe Ms. Matsui is well qualified to serve as a permanent member** of the Labor and Industrial Relations Appeals Board and have absolutely no reservations about her intellect, competence, and integrity.

Your favorable consideration will be appreciated.

Yours very truly,

HIRAI & HIRAI

By *Richard H. Hirai*
RICHARD H. HIRAI

RHH/tmkg

HALEIWA JODO MISSION



P.O. Box 242, Haleiwa, Hawaii 96712
Phone: 637-4382, Fax: 637-3405

February 25, 2009

The Honorable Dwight Y. Takamine
Chairman, Senate Committee on Labor
Hawaii State Capitol, Room 204
415 South Beretania Street
Honolulu, HI 96813
Phone 808-586-7335; Fax 808-586-7339

RE: MELANIE S. MATSUI; GM NO. 361

Dear Mr. Takamine and Members of the Senate Committee on Labor:

We write this letter in **SUPPORT** of Melanie S. Matsui's appointment as a member of the Labor and Industrial Relations Appeals Board.

Melanie has been an active member of the Haleiwa Jodo Mission since approximately 1990. Since that time, she has taken on many projects, including assisting with our O-Bon celebrations, coordinating the Young Buddhist Association's craft fairs, and participating in various religious services. She is also part of a group of people who was instrumental in creating the Intermediate Y.B.A. – a group for young adults between the ages of 17 and 43, and has assisted the church with legal matters.

We believe that she is a conscientious and hard worker. She is also fair and unbiased, taking all suggestions and ideas into consideration, before committing to a position. Therefore, we believe that these qualities will serve her, and the State of Hawaii workers' compensation system, well.


Melanie S. Matsui, GM No. 361
February 25, 2009
Page 2 of 2


Again, we support the appointment of Melanie S. Matsui as a member of the Labor and Industrial Relations Appeals Board, and we ask for your favorable decision in confirming her appointment. Thank you.

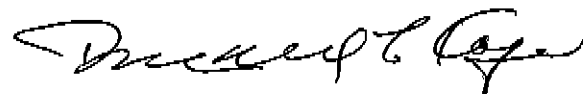
Sincerely,

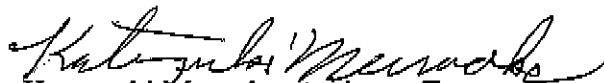
HALEIWA JODO MISSION
BOARD OF DIRECTORS

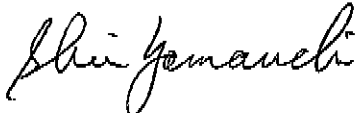

Kenneth Masatsugu, President


Koji Ezaki, Resident Minister


Kenneth Koga, Vice President


Donald Koga, Treasurer


Katsuyuki Muraoka, Assistant Treasurer


Sheri Yamauchi, Secretary

Honorable Dwight Takamine
Chair, Senate Committee on Labor

Dear Chair Takamine, Vice Chair Taniguchi and Committee Members:

Please permit me to take this means to express my **strong and enthusiastic support** for the nomination of Melanie Matsui to the Labor and Industrial Relations Appeals Board.

During my tenure as Chairman of LIRAB I had the pleasure of interacting with Ms. Matsui on a number of cases. She was always very well prepared, and was well versed in the workers compensation law. Her work always impressed me – whether it was oral arguments, submission of written memoranda or working to find a fair resolution of cases during settlement conferences. She was and is the consummate professional.

With her professionalism and her strong work ethic she will be an outstanding board member. From my interaction with Ms. Matsui, I know that she will be guided by the law, and by the principles of fairness, and justice which are so important in resolving workers compensation cases.

I humbly ask for your favorable consideration of Ms. Matsui's nomination.

If you have any questions please do not hesitate to contact me at 225-0830.

Aloha,
RANDY IWASE

MATSUI CHUNG

*Attorneys-at-Law
A Law Corporation*

Randall Y. S. Chung
Ward F. N. Fujimoto
Michael S. Hult
Archie T. Ikehara

Clyde Wm Matsui
James H. Monma
Marilyn S.H. Naitoh
Milton S. Tani

April 8, 2009

Honorable Dwight Y. Takamine, Chair
Honorable Brian T. Taniguchi, Vice Chair
Committee on Labor
Hawaii State Capitol, Room 224
415 South Beretania Street
Honolulu, Hawaii 96813

Re: Melanie S. Matsui - GM No. 361
Hearing Date: April 9, 2009, 2:45 p.m.

Dear Senators Takamine and Taniguchi:

I have known and worked with Melanie S. Matsui since 2001, when we both joined the law firm of Matsui Chung as associate attorneys. I write this letter in **support** of her appointment to the Labor and Industrial Relations Appeals Board ("LIRAB").

With regard to her professional skills, Melanie will unquestionably bring a wealth of knowledge, experience, and expertise as a member of the LIRAB. She has an adept and intelligent mind, which is revealed in her meticulous and careful research, and in her articulate and well-reasoned writing. As an attorney, Melanie's abilities to persuade and advocate on behalf of her clients have been balanced by her sense of fairness in achieving a just result and her respect for the profession and the practice of law. This can be seen in Melanie's interactions with other attorneys and parties in a case. She has always exhibited courtesy, civility, and integrity in her dealings with all, and particularly in situations involving unrepresented claimants and *pro se* litigants.

Melanie's talents as an attorney are complemented by her strong work ethic and diligence. The standard that she sets for herself is to do her best in whatever task she undertakes. She is not satisfied with "good enough." No matter how demanding or challenging a matter may be, Melanie puts forth all her effort and skills to achieve a principled and fair resolution. She does so

Honorable Dwight Y. Takamine, Chair
Honorable Brian T. Taniguchi, Vice Chair
Committee on Labor
April 8, 2009
Page 2


with a calm, dignity, and even-temperedness that speaks to her strength of character and compassion.

In short, I believe without a doubt that Melanie would be an asset to the LIRAB, and that she will greatly enhance its function.

Very truly yours,

MATSUI CHUNG

By:


MARILYN S.H. NAITOH

HENDERSON GALLAGHER & KANE

HARVEY E. HENDERSON, JR.
J. PATRICK GALLAGHER
JOELLE SEGAWA KANE
LYNN B.K. COSTALES
JACQUELINE W.S. AMAI
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March 5, 2009

The Honorable Dwight Takamine
Chairman
Senate Committee on Labor
Hawaii State Capitol
Room 204
415 South Beretania Street
Honolulu, Hawaii 96813

Re: Governor's Message 361 - Confirmation of Appointment of
Melanie S. Matsui, Esq. to the Labor and Industrial Relations
Appeals Board, State of Hawaii

Dear Senator Takamine:

Please consider this letter in support of MELANIE S. MATSUI for appointment as a Member of the Labor and Industrial Relations Appeals Board, State of Hawaii.

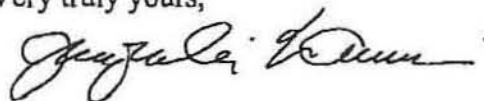
I first met Ms. Matsui when we were both associate attorneys at Kessner Duca Umebayashi Bain & Matsunaga in the mid-nineties. In addition to workers' compensation, Ms. Matsui's practice included civil litigation and family law. I personally witnessed her commitment and dedication to her clients, the firm, and the community at large.

My present practice still focuses on the area of workers' compensation and I regularly appear before the Labor and Industrial Relations Appeals Board. I believe that the wealth of experience and knowledge that Ms. Matsui brings will enhance the Board's depth and flexibility and support its administration of the system in an efficient and just manner. I have no doubt that Ms. Matsui will fulfill the responsibilities of a board member with all of the fairness, professionalism, and respect that she is known for.

I respectfully request your favorable consideration of her appointment to the Labor and Industrial Relations Appeals Board.

Thank you for this opportunity and your time in this regard.

Very truly yours,



Jacqueline W. S. Amari

FRANK YAP, JR.
Attorney At Law
P.O. Box 3589
Honolulu, Hawaii 96811

Telephone: (808) 521-6927

March 2, 2009

Dwight Y. Takamine, Esq., Chairman
Senate Committee on Labor
Hawaii State Capitol, Room 204
415 South Beretania Street
Honolulu, Hawaii 96813

Re: Governor's Message No. 361
Nomination of Melanie S. Matsui, Esq.
To Labor and Industrial Relations Appeals Board

Dear Senator Takamine and Members of the Committee on Labor:

This is to **endorse** Melanie S. Matsui's nomination for a ten year term as a member of the Labor and Industrial Relations Appeals Board. Ms. Matsui possesses the specialized knowledge, legal ability and personal attributes to competently fulfill the role of a Board member on this full time professional quasi-judicial body.

The Labor Appeals Board provides a vital role in Hawaii's workers' compensation system. Timely and consistent written decisions not only adjudicates contested benefits to a particular injured worker, but also should serve as guidance to the Dept. of Labor's Disability Compensation Division, to the vocational and medical service providers, to the payors of compensation benefits, and to those who unwisely seek to defraud the system. The rationale for the 10-year term of office an appointed Board Member is expected to serve is succinctly stated in the Board's enabling statute, §371-4, HRS:

"Because cumulative experience and continuity in office are essential to the proper handling of appeals under workers' compensation law and other labor laws, it is hereby declared to be in the public interest to continue board members in office as long as efficiency is demonstrated."

Institutional memory and commitment to the underlying purpose of workers' compensation, in my view, is exceedingly important. Not only is the willingness to arrive at an independent decision even while a member of a panel, important, but so is the ability to help the disputing parties recognize that an agreed compromise often is more beneficial than continued litigation.

Ms. Matsui's nomination is for the vacancy left by Board Member Carol Y. Yamamoto, Esq., who retired in October 2008, after serving continuously and with distinction as Board Member for over 15 years.

Senator Dwight Takamine, Esq.
March 2, 2009
Page 2

Much of Ms. Matsui's experience has been in the workers' compensation arena. After earning her Hawaii license to practice law in 1992, Ms. Masui began her legal career with the Law Office of Leroy T. Kuwasaki, Jr., an attorney known to me as one skilled in both the theory and the practical aspects of the workers' compensation law, who learned the rudiments while he was an attorney assigned to the Dept. of Labor and Industrial Relations in the mid-1970's.

Ms. Matsui learned well from Mr. Kuwasaki and during my tenure at the Appeals Board from 1991 until June, 2000, Ms. Matsui appeared on many occasions, ably representing her clients in litigation as well as in settlement conferences. She was always prepared, considerate of opposing counsel and of the non-represented injured worker, and during the settlement conferences was candid and forthright in her dealings and representations. It was a pleasure working with individual such as she, who has empathy for the injured worker, while representing the interests of the insurance carrier.

Just before Ms. Matsui was nominated as Ms. Yamamoto's successor I mediated a workers' compensation matter in which Ms. Matsui, who was now an associate in another firm, represented an insurance carrier in a matter involving a paraplegic worker injured in a vehicle accident. The goal of mediation was to structure a benefit package that would provide compensation both in terms of income and medical care for this person's anticipated lifetime. A significant barrier was the man's distrust of Ms. Matsui's client due to his perceptions of being unjustly treated because the insurance carrier challenged the circumstances of his accident and injuries - even though the challenge happened some 20 years earlier. His feelings toward the carrier and about his physical condition were transferred Ms. Matsui. An awkward situation could have resulted had Ms. Matsui taken a difference approach. But her ability to sense the situation and her empathy overcame what would have resulted in a stalemate at the outset of the mediation. The genuineness of such personal qualities are important if one is to be an effective Board member. I believe Ms. Matsui has the personal qualities that enable her to not only be an effective Board member, but a Board member that maintains the fundamental objectives of the workers' compensation statutes.

Accordingly, approval of her nomination by your committee and the recommendation to your Senate colleagues that she be confirmed as a member of the Labor Appeals Board is most appropriate. Mahalo.

Very truly yours,



Frank Yap, Jr.

C: Melanie S. Matsui, Esq.



Big Brothers Big Sisters of Honolulu

418 Kuwili Street, Suite 106
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bbbs@bigshonolulu.org
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F 808-528-1599
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Board of Directors
Harvey Rackmil, Chair
Neill Char, Vice Chair
Corianne Lau, Secretary
Lee Erwin, Treasurer
Ruth Ann Becker, Immediate
Past Chair

March 3, 2009

Mr. Dwight Y. Takamine, Chairman
Senate Committee on Labor
State of Hawaii
State Capital Building
Honolulu, HI 96813

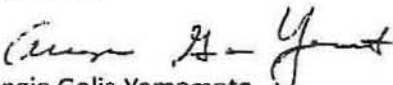
RE: Gov. Msg. No. 361

I am writing to support the nomination of Melanie S. Matsui to the Labor and Industrial Relations Appeals Board. Ms. Matsui's skills, experience and concern for people makes her an excellent selection for this important board.

Melanie and I met when she served on the Board of the Friends of the Cancer Research Center of Hawaii and I was the Director of the Development for the University of Hawaii Foundation for Cancer Research from 2000-2002. Her compassion for others and willingness to lend a helping hand made her invaluable board member and a great friend. Melanie helped the Friends of CRCH with their first two Gala dinners and spent many hours helping to ensure that the event was successful

We have stayed in touch over the years and Melanie continues to be a positive role model for our community. Melanie is the right choice for a position on the Labor and Industrial Relations Appeals Board.

Sincerely,


Angie Golis-Yamamoto
Director of Fund Development
Big Brothers Big Sisters of Honolulu
Direct: (808) 695-4571

Ken Becker
Paul Brown
Robert Kihune
Elizabeth Lacy
Katherine Louie
Yvonne Morris
Michael J. Murakoshi
Debbie Nakanelua-Richards
Raymond Noh
Deborah Noji
David Quandt
Dustin Sellers
Shelley Wilson
Lauren Hong Wright

Ambassador Advisory
Council
J.P. Damon
John Fink
Dennis Francis

Honorary Director
Chef Sam Choy

President/CEO
Dennis Brown

The Law Office of Bruce H. Wakuzawa, ALC

Dillingham Transportation Building
735 Bishop Street, Suite 433
Honolulu, Hawaii 96813
Telephone: (808) 523-1007
Facsimile: (808) 356-3303

February 27, 2009

Dwight Y. Takamine
Chairman – Senate Committee on Labor
1st Senatorial District
Hawaii State Capitol, Room 204
415 South Beretania Street
Honolulu, HI 96813

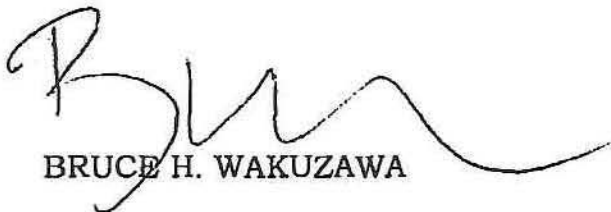
Dear Senator Takamine:

I am writing to **support** the nomination of Melanie M. Matsui to the Labor and Industrial Appeals Board.

I have known Ms. Matsui for many years and have had the opportunity of working with her on a complex civil litigation matter. Ms. Matsui is an intelligent, skilled professional. She approaches issues and problems in a level-headed, thoughtful manner.

She will make an excellent member of the Labor and Industrial Appeals Board. I strongly support her nomination. If you have any questions or need more information, please do not hesitate to contact me.

Very truly yours,



BRUCE H. WAKUZAWA

LEROY T. KUWASAKI, JR.
Attorney At Law, A Law Corporation
American Savings Bank Tower, Suite 1000
1001 Bishop Street
Honolulu, Hawaii 96813

Telephone: (808) 523-6171

Facsimile: (808) 523-7924

March 9, 2009

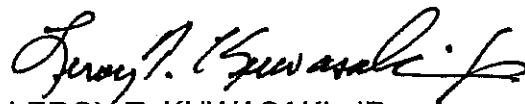
The Honorable Dwight Y. Takamine
State Senate
Hawaii State Capitol, Room 204
415 South Beretania Street
Honolulu, Hawaii 96813

Re: Melanie S. Matsui; Gov. Msg. No. 361

Dear Chairman Takamine:

I am writing in support of the nomination of Melanie S. Matsui to the State of Hawaii, Labor and Industrial Relations Appeals Board. Melanie and I became acquainted in the early 1990's when she joined our law office. She demonstrated considerable insight and objectivity not commonly seen in young attorneys. Melanie proved to be an asset to the law firm and I am confident she will bring the same high level of moral character and work ethic as Member of the State of Hawaii, Labor and Industrial Relations Appeals Board.

Respectfully,


LEROY T. KUWASAKI, JR.

March 16, 2009

Patricia J. McHenry
Direct Line: (808) 521-9261
Direct Fax: (808) 540-5057
E-mail: pmchenry@cades.com

Senator Dwight Y. Takamine, Chairman--Senate Committee on Labor
Senator Brian T. Taniguchi
Senator Robert Bunda
Senator Clayton Hee
Senator Sam Slom

Re: GM No. 361

Dear Senators Takamine, Taniguchi, Bunda, Hee, and Slom:

This letter is written in **strong support** of the nomination of Melanie Matsui to the Labor and Industrial Relations Appeals Board (the "LIRAB").

I know Ms. Matsui well as a result of a gasoline spill/products liability lawsuit that lasted several years and that involved eight parties represented by a changing cast of attorneys. Ms. Matsui and I represented different defendants with cross-claims against each other. The discovery in the case was extensive and included multiple deposition trips to Kauai and the mainland. The case also involved a great number of motions in the case, all hotly disputed, and all heard on Kauai.

During the lengthy course of the case, I learned that Ms. Matsui was an experienced litigator who is knowledgeable about all the procedural aspects of litigation and who also consistently put in the time and effort to learn the specific new topics in dispute. The result was a careful, well thought out strategy on behalf of her client and consistently well-researched and well-written legal memoranda that advanced her client's position. On a more personal level, I learned that Ms. Matsui is an intelligent, hard-working, dedicated person who is honorable and fair-minded and who treated all the other attorneys in the case with courtesy and respect. This was no easy feat given some of the personalities involved. As a result, she was able to get along well with all those attorneys in the case.

After the case was over, Ms. Matsui displayed the same traits whenever I dealt with her. I had learned during the case that she practiced extensively in the worker's compensation arena and I therefore called Ms. Matsui from time to time whenever I had a worker's compensation question to which I did not know the answer. She always either immediately knew the answer or found the answer and called me back with it.

C S

ImanageDB:1030905.1

Cades Schutte Building
1000 Bishop Street, Suite 1200
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Tel: 808.521-9200
Fax: 808.521-9210
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Kona Office
75-170 Hualalai Road, Suite 303
Kailua Kona, Hawaii 96740
Tel: 808.329-5811
Fax: 808.326-1175

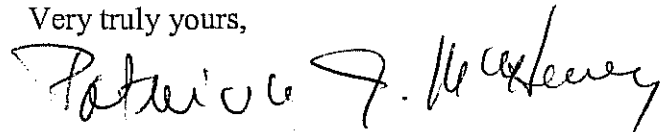
Dwight Y. Takamine, Chairman--Senate Committee on Labor

March 16, 2009

Page 2

I cannot imagine experience and traits that would better serve the LIRAB. Ms. Matusi will bring her in-depth knowledge of litigation, whether gained in the civil litigation or in worker's compensation arena. She will always put in all the time and effort necessary to learn the facts and issues in each case that she handles. Ms. Matsui will deal with all the attorneys and parties in those cases with courtesy and patience so that they recognize that they are being treated with dignity and fairness at the LIRAB.

Very truly yours,

A handwritten signature in black ink, appearing to read "Patricia J. McHenry". The signature is written in a cursive style with a large, stylized initial "P".

Patricia J. McHenry

March 5, 2009

Senator Dwight Takamine, Chairman-Senate Committee on Labor
1st Senatorial District
Hawaii State Capitol, Room 204
415 South Beretania Street
Honolulu, Hawaii 96813

Re: GM No. 361

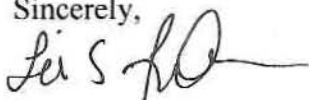
Dear Chairman Takamine:

I am writing to **support** the nomination of Melanie S. Matsui to the Labor and Industrial Relations Appeals Board. I first met Melanie when we were both employed as summer associates at the law firm of Fujiyama, Duffy & Fujiyama almost 20 years ago. We worked closely during our clerkship and developed a friendship that has endured throughout the years. Early on in our clerkship it was obvious to me that Melanie was an extremely intelligent individual with a superb work ethic. However, what impressed me most about Melanie was her unquestionable integrity, her pleasant demeanor and her willingness to share both her time and knowledge with anyone who needed assistance. While a great deal of time has passed since we first met it is clear that Melanie continues to display those core values which make her an outstanding lawyer and human being.

The American Bar Association defines the term "judicial temperament" as "compassion, decisiveness, open-mindedness, sensitivity, courtesy, patience, freedom from bias and commitment to equal justice." There is no doubt in my mind that Melanie possesses these traits and that she will conduct herself with the utmost integrity and professionalism. Melanie is knowledgeable, experienced, hard working and responsible. She treats everyone with respect, regardless of their position, and is able to convey her thoughts in a courteous but effective manner.

I have no doubt that Melanie will be a fair and impartial decision maker and that she would be an asset to the community and the Hawaii Labor and Industrial Relations Board. Therefore, I wholeheartedly support her nomination and respectfully request your support of her nomination to serve on the Hawaii Labor and Industrial Relations Appeals Board.

Sincerely,



Lei S. Fukumura

MAR 09 2009

CMO1
Case Management Options, Inc.

P.O. Box 10093 Honolulu, Hawaii 96816-0093 Phone: 808-739-2552 Fax: 808-739-2662

March 19, 2009

The Honorable Dwight Y. Takamine
Chairman, Senate Committee on Labor
First Senatorial District
Hawaii State Capitol, Room 204
415 South Beretania Street
Honolulu, Hawaii 96813

Re: Nomination of Melanie S. Matsui

Dear Mr. Takamine:

I am writing to you in **support** of the nomination of Melanie S. Matsui to the Department of Labor and Industrial Relations Appeals Board.

I have been a registered nurse for 26 years practicing for the last 16 years as a medical case manager in the area of disability management and workers compensation claims as well as a life care planner. I have previously served as President and active board member of the local chapter of the Case Management Society of America. I have been a small business owner for the last 10 years serving the people of Hawaii.

I had the pleasure of working directly on several occasions with Ms. Matsui, in particular, on one of the most complicated cases that I have experienced in my career. This was a very complex and multi-faceted workers compensation claim from a physiological, psychological, social, ethical and administrative standpoint.

I was immediately impressed with Ms. Matsui's professional conduct, her thoroughness in giving weight to all the components of this case; her desire to understand the nature of the physiological, psychological and ethical consideration by educating herself to assist in making recommendations that would lead to a mutually beneficial plan of action to all parties and what was right in terms of assisting the claimant toward the correct and appropriate care for himself. Though he may not have agreed with the decisions that came out of all the administrative events, in the end, his condition improved and he continues to make improvement.

The Honorable Dwight Y. Takamine
Re: Matsui, Melanie S.
March 19, 2009
Page 2

Ms. Matsui's attention to detail, coupled with her unique objectivity, compassion, her knowledge of the workers compensation law, ability to be innovative and creative was invaluable in the resolution of a claim that, if left unaddressed, would have wound up costly not only in terms of dollars, but more importantly, costly to the claimant's health, well being and possibly his life.

I believe Ms. Matsui would be an invaluable member of the Appeals Board because of her strengths cited above and I respectfully ask for your support of her nomination.

Should you have any questions, please call me.

Very truly,



Shelley L.J. Hee, RN, BSN, CDMS, CCM
President
Case Management Options, Inc.

Suzanne T. Terada

*Attorney-at-Law, LLC
Charles R. Kendall Bldg.
888 Mililani Street, Suite 300
Honolulu, Hawaii 96813*

Tel: (808) 533-0011

Fax: (808) 533-8811

March 4, 2009

VIA FACSIMILE: 586-7339

Dwight Takemine, Chairman
Senate Committee on Labor
First Senatorial District
Hawaii State Capital, Room 204
415 S. Beretania Street
Honolulu, Hawaii 96813

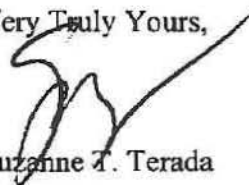
Re: Melanie Matsui

Dear Sir:

I am writing to **support** the appointment of Melanie Matsui to the Department of Labor and Industrial Relations Appeals Board.

This office has represented Claimants in workers compensation cases for many years. Melanic Matsui is a fair and thoughtful person. We strongly urge her appointment.

Very Truly Yours,



Suzanne T. Terada

STT:pyn

**CONFIRMATION OF MELANIE S. MATSUI'S NOMINATION TO THE
LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD**

DATE OF HEARING: Thursday, 4/9/2009

TIME OF HEARING: 2:45 P.M.

Honorable Senators Dwight Takamine, Brian Taniguchi, and members of the Senate Labor Committee,

I am submitting testimony **in favor** of the confirmation of Melanie S. Matsui's nomination to the Labor and Industrial Relations Appeals Board. I am an attorney who practices in the areas of workers' compensation insurance defense and employment law representing employers and insurance carriers. I have known Ms. Matsui for more than ten years and during this time, I have had a number of opportunities to work with her. I believe that Ms. Matsui has the experience, knowledge, and interpersonal skills necessary to fulfill and capably perform the duties of a Labor and Industrial Relations Appeals Board member. She has more than fifteen years of experience in insurance law, particularly in workers' compensation insurance and handles herself with the decorum and demeanor that is required for an impartial fact finder. Perhaps equally or more importantly, Ms. Matsui is a hard working and fair individual. Therefore, I hope that you will confirm Ms. Matsui's nomination to the Labor and Industrial Relations Appeals Board. Thank you for your time and consideration.

Sincerely,

Karen Tashima
345 Queen Street, Suite 603
Honolulu, Hawaii 96813

Committee on Labor:

GM 361

RE: Melanie S. Matsui

Dear Sirs:

Over the years, I have had the opportunity, as the former vocational rehabilitation supervisor for a Hawaii company, to work on various WC claim issues with Melani Matsui. Generally, the issues involved questions over VR counselor activities on a worker's compensation case. Although we came into discussion from different points of view, I always found Ms. Matsui to be very professional and fair in her opinions on how these cases should move forward. I never felt that she lost sight of the true issue at hand and was not influenced by the entity that employed her. I feel that Ms. Matsui possesses a high ethical standard and possesses the necessary skills for this position.

Thank you,

Nancy Etzrodt

Nancy Etzrodt

Business Manager

1357 Kapiolani Blvd. Suite 1015

Honolulu, HI 96814

TESTIMONY TO THE
SENATE COMMITTEE ON LABOR
For Hearing on Thursday, April 9, 2009
2:45 p.m., Conference Room 224

G.M. No. 361

Consideration and Confirmation of MELANIE S. MATSUI to the Labor and Industrial Relations Appeals Board

TO CHAIR TAKAMINE AND MEMBERS OF THE COMMITTEE:

I am writing in **strong support** of the confirmation of Melanie S. Matsui to the Labor and Industrial Relations Appeals Board ("LIRAB").

As a former practitioner in workers' compensation for both claimants and carriers, I have known Melanie for over ten years and have developed a great admiration for her knowledge of workers' compensation and insurance law. On the occasions when we represented clients with opposing interests, Melanie has always demonstrated the professionalism, integrity, and amicable personality which will serve her well as a member of the LIRAB. On a personal note, all you need to know about Melanie is that she is the type who gives a ride home to my elderly neighbor from weekend Hongwanji services.

I sincerely believe Melanie exemplifies all of the attributes, talents, and qualities that will make her a terrific asset for all interested workers' compensation stakeholders in our State.

Thank you for the opportunity to submit testimony in support of Melanie's confirmation.

Florencio C. Baguio, Jr.

Testimony for LBR 4/9/2009 2:45:00 PM GM361

Conference room: 224

Testifier position: support

Testifier will be present: Yes

Submitted by: Kelly Martens

Organization: Individual

Address: HI

Submitted on: 4/6/2009

Comments:

I have worked with Ms. Matsui for more than ten years. I feel she would make a fair and impartial Appeals Board member.

Testimony for LBR 4/9/2009 2:45:00 PM GM361

Conference room: 224

Testifier position: support

Testifier will be present: No

Submitted by: JANICE FUKUDA

Organization: Individual

Address:

Phone:

E-mail:

Submitted on: 4/7/2009

Comments:

I support the confirmation of MELANIE MATSUI to the Labor and Industrial Relations Appeals Board. Her knowledge, experience and objectivity will ensure issues will be thoroughly reviewed and adjudicated fairly.

GLENN SHIMABUKURO
94-1071 Kaaholo Street
Waipahu, Hawaii 96797

April 6, 2009

VIA E-MAIL TO: LBRTestimony@Capitol.hawaii.gov

Senator Dwight Takamine, Chair
Senator Brian Taniguchi, Vice Chair
Committee On Labor – 25th Legislature

RE: GM 361 – Confirmation of Melanie S. Matsui to the Labor & Industrial
Relations Appeals Board (L.I.R.A.B.)
HEARING: Thursday, April 9, 2009 at 2:45PM

Dear Mr. Takamine, Mr. Taniguchi and committee members:

I have known Ms. Matsui since the start of her legal career over 16 years ago. She has all the qualities, which would make her ideal for the position of L.I.R.A.B. Member. She is intelligent, industrious, impartial, just, considerate and compassionate.

I believe Ms. Matsui will bring strength to the L.I.R.A.B. and will no doubt assist the Board in its efforts to progress.

It is hoped that your committee will give her positive approval.

Respectfully yours,

Glenn Shimabukuro

COMMITTEE ON LABOR
SENATOR DWIGHT Y. TAKAMINE, CHAIR
SENATOR BRIAN T. TANIGUCHI, VICE CHAIR

RE: GM 361

Submitting for consideration and confirmation to the Labor and Industrial Relations Appeals Board,
Gubernatorial Nominee, MELANIE S. MATSUI, for a term to expire 6-30-2018.

I am in favor of confirming MELANIE S. MATSUI to the Labor and Industrial Relations Appeals Board for
a term to expire 06-30-2018.

I have known Melanie Matsui for over five years and I am confident that she will regard this appointment
in the highest standard and exercise impartial objectivity in matters before the Board.

Please confirm her nomination.

Glenn Fukuda
98-1921 Hoala St.
Aiea, HI 96701
478-4821
GFukuda@bfrc.com

To Whom it May Concern:

I have known Melanie Matsui personally for approx three years and I support her appointment to the Labor Appeals Board for the following reasons:

1. Through previous experience she proves that she is knowledgeable in Labor matters
2. She is objective and accurate
3. She demonstrates good moral character and a high level of integrity in both her personal life and professional ambitions

Please confirm her appointment to the Labor Appeals Board.

Sincerely,
Stacey Fukuda

Fay T. Michibata
c/o 500 Ala Moana Blvd., Suite 3-450
Honolulu, Hawaii 96813

April 7, 2009

Sent via e-mail: LBRTestimony@Capitol.hawaii.gov

Senator Dwight Takamine
Chairperson, Committee on Labor
Hawaii State Capitol, Room 204
415 South Beretania Street
Honolulu, Hawaii 96813

RE: Governor's Message No. 361
Hearing Date: April 9, 2009 at 2:45 p.m.

Dear Mr. Takamine:


This letter is being submitted in support of Ms. Melanie S. Matsui's confirmation to the Labor & Industrial Relations Appeals Board.

Over the past 16 years of working with Ms. Matsui, I have seen a young, aspiring attorney become an experienced and very knowledgeable attorney. She is very hard working and has an excellent work ethic.

On a personal level, I know that Ms. Matsui is a very caring person with high moral character. She is an intelligent person with integrity and is committed to her career as well as to any other endeavor but she will find time for family and friends which is an integral part of her life. She has a wonderful sense of humor and laughter is good for the soul ... it makes for a good balance in her career and personal life.

Based on my knowledge of Ms. Matsui, I know that she would render fair and sound decisions - decisions that are objective and well reasoned. For all of the reasons noted above, I believe she would be an asset to the Labor & Industrial Relations Appeals Board and I urge you to confirm her appointment to the Labor & Industrial Relations Appeals Board.

Sincerely,


Fay T. Michibata