

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR



JADE T. BUTAY
DIRECTOR

WILLIAM G. KUNSTMAN
DEPUTY DIRECTOR

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STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
HAWAII RETIREMENT SAVINGS BOARD
830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813

April 15, 2024

To: The Honorable Henry J.C. Aquino, Chair
The Honorable Sharon Y. Moriwaki, Vice Chair, and
Members of the Senate Committee on Labor and Technology

Date: Tuesday, April 16, 2024

Time: 10:00 a.m.

Place: Conference Room 224 & Videoconference, State Capitol

From: Jade T. Butay, Director
Department of Labor and Industrial Relations (DLIR)

G.M. 727; Submitting for consideration and confirmation to the Labor and Industrial Relations Appeals Board, Gubernatorial Nominee, HARRY YEE, for a term to expire 06-30-2028.

Mr. Yee earned his Juris Doctorate from the Suffolk University School of Law and began his legal career in Massachusetts from 1979 – 1989. Soon after he opened his General Practice of Law in Hawaii representing injured workers as claimant counsel before the DLIR. He later went on to serve the District of Hawaii, United States Attorney's Office in a wide variety of civil matters.

The DLIR believes Mr. Yee has the intellect, experience, and temperament necessary to serve with distinction on the Labor and Industrial Relations Appeals Board.

Thank you for the opportunity to provide testimony in support of Governor's message 727.



LOCAL UNION NO. 126

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OF THE

International Union of Elevator Constructors

AFFILIATED WITH THE AFL-CIO

50 S. BERETANIA ST. C211-E • HONOLULU, HI 96813 • TELEPHONE (808) 536-8653 • FAX (808) 537-3779

The Thirty-Second Legislature
Regular Session of 2024
Hawaii State Senate
Committee On Labor And Technology

Tuesday, April 16, 2024
10:00 AM, Conference Room 225

GM 727 – Relating to the Consideration and Confirmation to the Labor and Industrial Relations Appeals Board, Gubernatorial Nominee, Harry Yee.

The Honorable Henry J. C. Aquino, Chair, Sharon Y. Moriwaki, Vice-Chair, and Esteemed Members of the Senate Committee on Labor and Technology.

My name is Marc Yamane and I am currently the Business Representative of the International Union of Elevator Constructors, Local 126, and I am honored to write a letter in support of Harry Yee's confirmation to the Labor and Industrial Relations Appeals Board.

This is an important position and I honestly believe that Mr. Harry Yee has shown himself to be an intelligent, proficient, and creative practitioner of Labor and Workers' Compensation Law. He possesses the dedication and open-mindedness to weigh all the facts at hand and therefore he would be a significant addition to the Labor and Industrial Relations Appeals Board. With his extensive experience in workers' compensation as well as serving for 20 years as a litigator with the U.S. Attorney's Office, Mr. Harry Yee has shown that he is more than capable of fulfilling this position and to help move the Labor and Industrial Relations Appeals Board in the direction for which it was originally created.

Not only does the Labor and Industrial Relations Appeals Board handle appeals to Workers' Compensation Decisions, but it also handles Boiler and Elevator Safety Issues. Mr. Harry Yee would be a staunch supporter of helping the Elevator Industry to continue to provide safe elevators and escalators to the riding public, which is another reason why I am supporting his confirmation.

Having ceaselessly championed the cause of the "Working Man or Woman" for many years, he is without doubt well suited and extremely qualified for the position. Therefore, on behalf of the International Union of Elevator Constructors, Local 126, I humbly request that Mr. Harry Yee be confirmed to the Labor and Industrial Relations Appeals Board

Sincerely,

Marc Yamane
Business Representative – Financial Secretary
International Union of Elevator Constructors, Local 126

LEONG KUNIHIRO BROOKE & KIM

Attorneys at Law – A Law Corporation
1212 Davies Pacific Center
841 Bishop Street
Honolulu, Hawaii 96813

*Scott G. Leong
Gary N. Kunihiro, Of Counsel
Paul A. Brooke
Christine J. Kim*

*Telephone No.: (808) 524-7575
Facsimile No.: (808) 524-7878*

Linda Zichittella Leong (1948-2004)

April 11, 2024

The Honorable Henry J.C. Aquino, Chair
The Honorable Sharon Y. Moriwaki, Vice Chair
Members of the Senate Committee on Labor and Technology
State Capitol
415 South Beretania
Honolulu, Hawai'i 96813

**Re: Mr. Harry Yee/Labor and Industrial Relations
Appeals Board GM727**

Dear Chari Aquino, Vice Chair Moriwaki and Members of the Committee:

Please accept this letter as further evidence of our continuing strong support for the confirmation of Gubernatorial Nominee, Harry Yee to the Labor and Industrial Relations Appeals Board (“Appeals Board”) for a term to expire on 06-30-2028. As noted in our earlier letter to the Honorable Josh Green dated March 28, 2024, our firm specializes in the handling of workers’ compensation claims in the State of Hawaii.

In our collective experience, as noted in our prior letter, we have found Mr. Yee to be highly qualified in evaluating the many-faceted legal issues presented by workers’ compensation claims and having demonstrated an ability to litigate cases to a settlement or final decision. Without question, his thorough knowledge of Chapter 386, Hawaii Revised Statutes, and Title 12, Chapter 10, Title 12, Chapter 15, and Title 12, Chapter 14 of the Hawaii Administrative Rules, and the many different issues that arise under these statutory provisions, make him very suitable to fill the current vacancy on the Appeals Board.

Once again, we reiterate that we have no reservations in submitting this letter in full support of Mr. Yee’s confirmation to serve on the Appeals Board as we firmly believe his experience and character will be significant assets to the Board in fairly and expeditiously

adjudicating cases based on the law and facts, moving cases to final resolution, and decreasing the current case backlog.

Thank you for your time and attention in this matter.

Very truly yours,

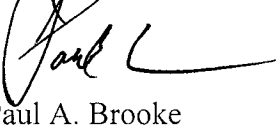
LEONG KUNIHIRO & BROOKE & KIM



Scott G. Leong



Gary N. Kunihiro



Paul A. Brooke



Christine J. Kim

PAB/mka
cc: Harry Yee, Esq.



UNITED PUBLIC WORKERS

AFSCME Local 646, AFL-CIO

**THE SENATE
KA 'AHA KENEKOA
THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2024**

COMMITTEE ON LABOR AND TECHNOLOGY

Senator Henry J.C. Aquino, Chair
Senator Sharon Y. Moriwaki, Vice Chair

Tuesday, April 16, 10:00 AM
Conference Room 225 & Videoconference

Re: Testimony on GM727 – Submitting for consideration and confirmation to the Labor and Industrial Relations Appeals Board, Gubernatorial Nominee, HARRY YEE, for a term to expire 06-30-2028

Chair Aquino, Vice Chair Moriwaki, and Members of the Committee:

The United Public Workers, AFSCME Local 646, AFL-CIO (“UPW”) is the exclusive bargaining representative for approximately 14,000 public employees, which includes blue collar, non-supervisory employees in Bargaining Unit 1 and institutional, health, and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. UPW also represents approximately 1,500 healthcare workers in the private sector.

UPW supports GM727, which submits for consideration and confirmation to the Labor and Industrial Relations Appeals Board (“LIRAB”), Harry Yee, for a term to expire 06-30-2028. Mr. Yee most recently served as an Assistant U.S. Attorney. In his two decades in the U.S. Attorney’s Office, Mr. Yee represented the federal government in medical malpractice cases, catastrophic tort cases, agency disputes, and other complex litigation. Prior to this, Mr. Yee spent 14 years in private practice, in which he regularly represented claimants in industrial accidents claims, and often appeared before the both the Disability Compensation Board and the LIRAB.

As this committee is aware, the LIRAB reviews all workers’ compensation appeals from the Department of Labor & Industrial Relations and plays a vital role in setting precedent for all work injury adjudications. Due to his legal experience and his lifelong commitment to civil rights and representing Hawaii’s underserved populations, we believe Mr. Yee can bring balanced representation to the current board.

Mahalo for the opportunity to testify in support of GM727.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kalani Werner", is written over a light blue horizontal line.

Kalani Werner
State Director

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BLAINE W. FUJIMOTO
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MICHAEL J. VAN DYKE
J. THOMAS WEBER
MATTHEW K. WONG

E-MAIL: admin@hawaiiawteam.com

April 12, 2024

The Honorable Henry J.C. Aquino, Chair
The Honorable Sharon Y. Moriwaki, Vice Chair
Members of the Senate Committee on Labor and Technology
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Re: GM 727 Confirmation of Harry Yee to the Labor and Industrial Relations Appeals Board

Dear Chair Aquino, Vice Chair Moriwaki, and Members of the Committee:

We believe the entire workers' compensation community will be well served by Harry Yee, Esq.'s confirmation to the Labor and Industrial Relations Appeals Board ("LIRAB") and **support his confirmation without reservation.**

He has more than 30-years of trial experience in Federal and State Courts here and on the mainland, and for 14 years, represented injured workers before the Department of Labor and Industrial Relations, Disability Compensation Division, and LIRAB. He also served as Chairperson/Commissioner of the Hawaii Civil Rights Commission for 5 years. We believe these diverse experiences, among others, will make him an excellent member of LIRAB.

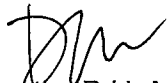
As an instructor, he generously shared his knowledge with law students at Harvard Law School, Boston College Law School, New England School of Law, and the University of Massachusetts, and his commitment to public service spans more than three decades, as a founding member of both the National Asian-Pacific American Bar Association and Asian Community Development Corporation, and former director of the Hawaii Community Services Council.

We believe Mr. Yee has the knowledge, integrity, and temperament to serve as a member of the LIRAB and thank you for the opportunity to offer testimony in his support.

Sincerely,



J. Thomas Weber



Dorothy P.H. Meisner



Blaine W. Fujimoto



Gary M. Kobayashi



Matthew K. Wong



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-Second Legislature, State of Hawaii
The Senate
Committee on Labor and Technology

Testimony by
Hawaii Government Employees Association

April 16, 2024

GM 727 SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE
LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD, GUBERNATORIAL
NOMINEE, HARRY YEE, FOR A TERM TO EXPIRE 6-30-2028.

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the nomination of Harry Yee to the Labor and Industrial Relations Appeals Board.

Mr. Yee is a highly experienced litigator, having served as an Assistant United States Attorney for two decades, preceded by 14 other years in private practice in Hawaii. Workers' compensation was one of Mr. Yee's areas of specialization in private practice, where he appeared regularly before both the Disability Compensation and the Labor and Industrial Relations Appeals Board on behalf of claimants. Given Mr. Yee's experience in both private and public practice, he will prove to be an effective and fair adjudicator for industrial injury claims.

We offer our support and endorsement of Harry Yee's nomination to the Labor and Industrial Relations Appeals Board and kindly ask the favorable consideration of your committee for his candidacy.

Respectfully submitted,

Randy Perreira
Executive Director

THE SENATE
KA'HA KENEKOA

THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2024

COMMITTEE ON LABOR AND TECHNOLOGY

Senator Henry J.C. Aquino, Chair
Senator Sharon Y. Moriwaki, Vice Chair

Hearing Tuesday, April 16, 2024

Time: 10:00 a.m.

Place: Conference Room 225 & Video Conference
State Capitol
415 South Beretania Street

TESTIMONY OF LOWELL K.Y. CHUN-HOON

**RE: GM 727, CONFIRMATION OF HARRY YEE TO THE
LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD**

Thank you for the opportunity to present testimony regarding the nomination of Harry Yee to the Labor and Industrial Relations Appeals Board. ("LIRAB") I am pleased to support his nomination.

I have practiced law in Hawaii for more than 46 years and one primary area of my specialization is workers' compensation. I have regularly appeared before LIRAB in hundreds of cases. For this reason, I have a deep and abiding interest in the leadership and administration of LIRAB, as well as the fair and efficient statewide administration of the entire system of industrial accident adjudication.

The nomination of Harry Yee to the Board is an excellent appointment which promises to benefit all stakeholders in the workers compensation system. I have known Mr. Yee since he began practicing law in Hawaii over thirty years ago, and I am familiar with both his fourteen years in private practice and his distinguished twenty year career with the U.S. Attorneys Office, where he served as Chief of the Civil Division for four years and prosecuted and defended numerous complex civil cases in federal court.

His extensive and diverse experience in civil litigation have prepared him exceedingly well for the demands he will face as an associate member of the Board. The high level of skill required to present and try cases in federal court is a skill directly transferrable to expediting the resolution of a high volume of administrative agency appeals. Indeed, Mr. Yee is so proficient at trial advocacy that he was asked in the past month to train U.S. Department of Justice attorneys at a federal conference in South Carolina. Since Mr. Yee defended the federal

government in major medical malpractice cases, he has also become intimately familiar with medical practice and treatment, an indispensable asset to any industrial injury adjudicator.

Finally, there are unique characteristics that Mr. Yee brings that will add broader dimensions to the Board's expertise. Mr. Yee served early in his career as a Legal Aid lawyer in Boston; as the Clinical Director of the Boston College Law School Chinatown Clinical Program; and a Fieldwork Supervisor, Clinical Instructor, and Staff Attorney at the Harvard Law School Legal Services Center. In Hawaii he served for six years as a Commissioner and Chair of the Hawaii Civil Rights Commission and as legal counselor to the Chinese Chamber of Commerce for fifteen years. Thus, he fully comprehends the impact of discrimination and is well-versed in representing those who live in poverty and suffer hardship and privation.

Unlike the Board's current Chair and other associate member, who have had long careers as dedicated high level administrators in state government, Mr. Yee has represented injured workers during his fourteen years of private practice. This is a distinct and invaluable perspective for the Board's overall decision making, as he understands from direct experience the despair and frustration injured workers experience when they are denied surgery, cannot obtain a prescription refill for pain medications, or when temporary total disability is suspended. This emotional and economic pain is a day to day reality which no humane system of adjudication can ignore.

In my view, the Labor and Industrial Relations Appeals Board is fortunate to have a nominee of Mr. Yee's intellectual acumen, deep legal experience, and superior work ethic. The Committee on Labor and Technology should approve his nomination fully and without reservations.

WAYNE H. MUKAIDA

Attorney at Law

PO Box 11862
HONOLULU, HAWAII 96828

TEL & Fax: (808) 531-8899

April 9, 2024

Committee on Labor and Technology
Senator Henry J.C. Aquino, Chair
Senator Sharon Y. Moriwaki, Vice Chair

Re: GM727; Confirmation of Harry Yee to the LIRAB

Dear Chair Aquino, Vice Chair Moriwaki, and Members of the Committee:

I have represented injured workers in their workers' compensation claims for about 40 years. Earlier in my career, the Labor and Industrial Relations Appeals Board was traditionally and wisely comprised of 3 members with backgrounds of: (1) supporting carriers/employers, (2) supporting injured workers/unions, and (3) being an attorney with workers' compensation experience to serve as a "neutral" Chair. Unfortunately, beginning with Governor Lingle, this practice of striving for balance was abandoned, and many say that the Board has the appearance of being over represented by persons who supported carriers/employers.

Board Member Melanie Matsui recently resigned. Before her appointment to the Board, Member Matsui represented employers/carriers. Present Member Marie Laderta was formerly the Director of the Department of Human Resources which served as an "insurance adjuster" for certain State agencies. Present Chair Damien Elefante previously worked as an attorney in the Department of Taxation.

All Board Members are presumed to be neutral arbiters, however to the public there may be a lack of appearance of fairness in the composition of the Board. Confidence in receiving a fair shake is essential to all members of the public, but especially to workers who were injured at work. Confirming Harry Yee to the Board would be a great step in restoring the appearance of fairness and justice of the Board.

The Board is viewed as an "expert" administrative board. This means that decisions of the Board are presumed to be made by members who have substantial workers' compensation experience and knowledge. It is sometimes said that it takes at least 5 years of workers' compensation experience to start to become well-versed in the field. A Board member must be familiar with workers' compensation the workers' compensation statute, regulations, and case law, but also with

Committee on Labor and Technology
Page Two
April 9, 2024

anatomy, physiology and medicine. Decisions by “expert” boards are given deference when reviewed by courts, and therefore it is very important that members have the requisite knowledge and experience.

Mr. Yee brings years of workers’ compensation and litigation experience to the table. Confirming Mr. Yee to the Board would improve the image of the Board, especially those 20,000 workers injured at work each year, often permanently.

I strongly support the confirmation of Harry Yee, Esq., to the Labor and Industrial Relations Appeals Board.

Thank you for considering my testimony.

Very truly yours,

/s/ Wayne H. Mukaida
WAYNE H. MUKAIDA
HSBA 2284

WHM:bhs

April 9, 2024

Janice Fukuda
Aiea, HI. 96701

The Honorable Henry Aquino, Chair
The Honorable Sharon Moriwaki, Vice Chair
Senate Committee on Labor and Technology
Hawaii State Capitol
Honolulu, Hawaii 96813

RE: GM 727 - Hawaii Labor and Industrial Relations Appeals Board

Dear Chair, Vice Chair and committee members,

I am writing to you to request that you approve the nomination of Harry Yee to the Hawaii Labor and Industrial Relations Appeals Board.

I retired from the insurance claims department after 25 years of Property and Casualty claims service, most of which was in the Workers Compensation division. Hawaii is extremely fortunate that a candidate of Mr. Yee's caliber is willing to serve on the Labor Appeals Board.

I strongly support this nomination. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to be 'Janice Fukuda', written in a cursive style.

Janice Fukuda

GM-727

Submitted on: 4/9/2024 5:01:55 PM

Testimony for LBT on 4/16/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
ANSON REGO	Individual	Support	Written Testimony Only

Comments:

I am an attorney licensed in 1968 with about 30 plus years of experience in the workers compensation field representing injured workers..

The workers compensation system is an exclusive administrative system to ensure workers who are injured have access to medical care and compensation. Hawaii needs to have an LIRAB aka Appeals Board which deals fairly with injured workers. Injured workers have no other place to go for redress for their injuries which affects them and their families, often their entire lifetime..

Attorney Harry Yee has prior workers compensation experience having previously represented injured workers. Mr. Yee also has vast litigation experience in the US Attorneys Office. He therefore would bring experience and balance to the Appeals Board.

I strongly support confirmation of this appointment.

Anson O. Rego

Waianae Attorney

TIMOTHY P. MCNULTY



FILE NUMBER

TIMOTHY P. MCNULTY
A LAW CORPORATION
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March 13, 2024

The Honorable Josh Green, M.D.
Governor of Hawai'i
Executive Chambers
State Capitol
415 South Beretania St.
Honolulu, Hawai'i 96813

Re: Nomination of Harry Yee as LIRAB Chair

Dear Governor Green:

I do claimant's Workers Compensation claims on Mau'i. My resume is at mauilaw.net.

I write to notify you of a vacancy on the Labor and Industrial Relations Appeals Board ("LIRAB") and to suggest that you support a candidate, Harry Yee, to fill that vacancy.

LIRAB reviews all workers' compensation appeals from the Department of Labor & Industrial Relations and plays a vital role in setting precedents for all work injury adjudications. Historically, one board member was considered a labor, management, or public/government representative on the three-person panel. However, during the Ige Administration, this practice was ignored. Damien Elefante, formerly Deputy Director of the Dept. of Taxation, was appointed Chair in 2020 when the two already appointed board members had previously represented Employers. (Melanie Matsui was formerly an insurance defense lawyer in private practice, and Marie Laderta was formerly Director of the Department of Human Resources Development.)

I request that you support Harry Yee, a highly experienced litigator who is leaving the U.S. Attorney's office after fourteen years in private practice, including regularly representing Claimants in industrial accident claims for the open position at LIRAB.

A copy of Harry's resume is enclosed but let me elaborate on why I think he would be an excellent candidate. In his two decades with the U.S. Attorney's Office, Yee was engaged in federal court representing the U.S. in medical malpractice cases, catastrophic tort cases, agency disputes, and other complex civil litigation. Because of the subject matter of his federal caseload and because workers' compensation was one of his areas of specialization in his earlier career in private practice, he has, of necessity, learned a great deal about medicine and anatomy, which is vital to serving as an effective advocate for injured workers. In his fourteen years of private practice, he regularly appeared before

Letter to Gov. Green
Dated March 13, 2024
Page 2 of 2

both the Disability Compensation and the Labor and Industrial Relations Appeals Board on behalf of Claimants.

Beyond that, Yee has had a lifelong commitment to civil rights and representing underserved communities. In college and law school, he was extensively involved in anti-poverty, immigrant rights, and community-building programs in Boston Chinatown. When he first graduated from law school, he worked for Greater Boston Legal Services; was a Fieldwork Supervisor and Clinical Instructor at the Harvard Law School/Legal Services Center from 1982 to 1986; and later served as an Assistant Attorney General in the Civil Rights Division of the Department of the Attorney General for the State of Massachusetts. He moved to Hawaii in 1989. In the 1990's he was also the Chairperson and a Commissioner of the Hawaii Civil Rights Commission and a Director of the Hawaii Community Services Council.

As a personality type, Yee is hard-working, principled, and conscientious. He is unafraid of making hard decisions and resists intimidation. He has a visceral sympathy for the underdog and a lifelong commitment to combating inequality and racism. At the present juncture in the Labor and Industrial Relations Appeals Board's history, his presence is also badly needed because he understands injured workers and the unique frustrations that they experience—denials of medical treatment, delayed and denied payment of compensation, accusations of malingering, social ostracism, and the infuriating irrationality and bureaucratic indifference of employers, insurance carriers, and government agencies.

The current LIRAB board members, by their past careers, do not have these experiences. They simply have not been on the other end of the phone when a Claimant calls in pain but has had their prescription for Tramadol denied or had to explain why four months have passed without approval for a surgical consultation for a ruptured lumbar disc, and why the Disability Compensation Division has yet to set a hearing on the denial because the case is on appeal with LIRAB and must still be remanded. This is perhaps the exact reason why the tradition of balanced representation on the Board is sound social policy and why it never should have been abandoned.

Thank you very much for considering this request.

Very sincerely,

TIMOTHY P. McNULTY, A LAW CORPORATION



TIMOTHY P. McNULTY
TPM:tpm

Melanie S. Matsui
m.matsui.2018@gmail.com

April 10, 2024

The Honorable Henry J.C. Aquino, Chair
The Honorable Sharon Y. Moriwaki, Vice Chair
Members of the Senate Committee on Labor & Tehcnology
State Capitol
415 South Beretania St.
Honolulu, Hawai'i 96813

Re: Harry Yee/Labor and Industrial Relations Appeals Board GM727

Dear Chair Aquino, Vice Chair Moriwaki, and Members of the Committee:

I write in STRONG SUPPORT of HARRY YEE's confirmation as a member of the Labor and Industrial Relations Appeals Board.

I don't specifically recall working with Mr. Yee. However, having consulted with others, I would note that not a single person has expressed a negative impression of him. I have spoken with Mr. Yee on several occasions and have absolutely no reservations in supporting his appointment to the Board. I believe that he has the judicial temperament, knowledge of workers' compensation, personal integrity, diligence, and work ethic that will serve him and the Board well.

His impressive resume speaks for itself. Given his experience, I believe Mr. Yee will add a level of diversity to the perspectives needed for fair, impartial, and objective decision-making in workers' compensation cases before the Board and will assist the Board move into the future.

To me, Mr. Yee will be a great asset to this quasi-judicial board, all of the parties they serve, and the workers' compensation system and I humbly ask that he be confirmed as a member of the Labor and Industrial Relations Appeals Board.

Sincerely,

/s/ Melanie S. Matsui

GM-727

Submitted on: 4/10/2024 1:06:28 PM

Testimony for LBT on 4/16/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lily Ling (Former/retired Executive Officer to the Labor and Industrial Relations Appeals Board)	Individual	Support	Written Testimony Only

Comments:

I strongly support the appointment of Harry Yee as a board member to the Labor and Industrial Relations Appeals Board. Mr. Yee's background as a litigator, career Assistant U.S. Attorney and former Chair of the Hawaii Civil Rights Commission make him an ideal addition to the board. More importantly, since the appointment is for a term through June 30, 2028, there is no need and no time for on-the-job training. Mr. Yee's reputation and prior experience as an effective workers' compensation attorney representing injured workers mean that he can hit the ground running and serve the people of Hawai'i from day one.

Aloha, Lily Ling (Former/Retired Executive Officer to the Labor and Industrial Relations Appeals Board)

Tuesday, April 16, 2024
Conference Room 225 & Videoconference

To: The Honorable Henry J.C. Aquino, Chair
The Honorable Sharon Y. Moriwaki, Vice Chair
Members of the Senate Committee on Labor and Technology

From: Bill Hoshijo

Re: G.M. No. 727

I am writing in strong support of the nomination of Harry Yee to the Labor and Industrial Relations Appeals Board (LIRAB). Based on his record of experience, demonstrated commitment to public service, and strong legal analysis, I have no doubt that Mr. Yee will contribute to the important work of the board and well serve the people of Hawai'i.

For 26 years, from 1997 through my retirement in March 2023. I served as the Executive Director of the Hawai'i Civil Rights Commission (HCRC). The HCRC is responsible for enforcement of our state civil rights laws prohibiting discrimination in employment, housing, public accommodations, and state-funded services.

Harry Yee served as an HCRC Commissioner from 1997 to 2003. After the passing of HCRC Chair Claudio Suyat in 1998, Mr. Yee served as HCRC Chair until he resigned in 2003 to serve as an Assistant U.S. Attorney for the District of Hawai'i. Mr. Yee was conscientious and serious in fulfilling his commitment to serve as an HCRC Commissioner, attending and actively participating in regular meetings and discussion of policy and management of the HCRC and legislation affecting the HCRC and state civil rights laws. As Chair, he provided steady leadership for the Commission, and his strong legal analysis was evident in Commission adjudication of contested cases. Mr. Yee brought his knowledge and experience in civil rights matters and commitment to the preservation of the civil rights of Hawai'i's people to his work as HCRC Chair.

If the Senate confirms Harry Yee's nomination to the Labor and Industrial Relations Appeals Board, I am confident that he will conscientiously perform his duties and render decisions that are fair and legally sound. **I urge the Committee and the Senate to approve and confirm the nomination of Harry Yee to the Labor and Industrial Relations Appeals Board.**



Randy Perreira
President

HAWAII STATE AFL-CIO

888 Mililani Street, Suite 501 • Honolulu, Hawaii 96813

Telephone: (808) 597-1441
Fax: (808) 593-2149

The Thirty-Second Legislature
The Senate
Committee on Labor and Technology

Testimony by
Hawaii State AFL-CIO

April 16, 2024

TESTIMONY ON GM727 - SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD, GUBERNATORIAL NOMINEE, HARRY YEE, FOR A TERM TO EXPIRE 06-30-2028

Chair Aquino, Vice Chair Moriwaki, and members of the committee:

The Hawaii State AFL-CIO is a federation of 74 affiliate labor organizations representing over 68,000 union members in the State of Hawaii. The AFL-CIO serves its affiliates by advocating for workers and their families before the state legislature and other state and county government branches.

The Hawaii State AFL-CIO supports GM727, which seeks the confirmation of Harry Yee to the Labor and Industrial Relations Appeals Board, with a term expiring on June 30, 2028.

Mr. Yee's extensive legal experience, notably as an Assistant United States Attorney and in private practice, has equipped him with an in-depth understanding of civil, labor, and administrative law, which will serve as invaluable assets to the Appeals Board.

We respectfully request the committee's favorable consideration of Harry Yee for this appointment. We are confident in his ability to contribute significantly to the Board's mission of delivering impartial and just decisions for Hawaii's workers and employers.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Randy Perreira".

Randy Perreira
President

April 15, 2024

Aloha Chair Aquino, Vice-Chair Moriwaki and members of the Senate Committee on Labor and Technology,

This testimony is in reference to GM727, "Submitting for consideration and confirmation to the Labor and Industrial Relations Appeals Board, Gubernatorial Nominee Harry Yee for a term to expire 06-30-2028."

My name is Charles "Charlie" Toguchi. I strongly and wholeheartedly support the confirmation of Gubernatorial Nominee Harry Yee to the Labor and Industrial Relations Appeal Board. Harry Yee is uniquely and highly qualified to be on the Labor and Industrial Relations Board. In his general practice of law, he spent 14 years representing injured workers as claimant's counsel before DLIR and DLIRAB. From 2003 to 2023, he served as Assistant United States Attorney for the United States Attorney's office (District of Hawaii). Harry Yee's legal background and his knowledge and familiarity with labor and industrial relations give him a strong foundation and the expertise needed to serve on the Labor and Industrial Relations Appeals Board.

I have known Harry Yee for more than 30 years. Personally, I can attest to his integrity, strength of character, diligence, and dedication to his profession. Both professionally and personally, Harry Yee is fully and uniquely qualified for confirmation to the Labor and Industrial Relations Appeals Board.

I strongly support the confirmation of Harry Yee to the Labor and Industrial Relations Appeals Board. Thank you for your consideration.

Mahalo,
Charlie Toguchi

GM-727

Submitted on: 4/15/2024 1:48:24 PM

Testimony for LBT on 4/16/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Robert Kessner	Individual	Support	Written Testimony Only

Comments:

I have been a licensed attorney in Hawaii since 1973. I have had the privilege of practicing workers compensation law before the Disability Compensation Division and the Labor and Industrial Relations Appeals Board since 1975. I have tried cases before past Chairpersons Nadao Yoshinaga, Toshimi Sodetani, John McConnell, Randall Iwase, Edward Correa, Roland Thom, Danny Vasconcellos and the current chair Damien Elefante. I am writing at this time to strongly support the nomination of Harry Yee, Esq. to be a member of the Appeals Board. His experience in private practice and as an Assistant U.S. Attorney will bring a fresh and highly capable perspective to the work of the Appeals Board adjudicating workers compensation cases that are on appeal. I encourage the confirmation of his appointment by Governor Green. If further confirmation is desired, please contact me at rkessner@kdubm.com or at 808-536-1900. Mahalo for considering my strong support for Harry Yee, Esq. Robert C. Kessner. Bar No 1319-0

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LAHELA H. F. HITE

April 15, 2024

The Honorable Henry J. C. Aquino
Chairperson
Senate Committee on Labor
and Technology
Hawaii State Capitol
Room 225
415 South Beretania Street
Honolulu, Hawaii 96813

Re: Governor's Message 727 - Confirmation to the Labor and Industrial Relations Appeals Board, Gubernatorial Nominee HARRY YEE

Dear Senator Aquino:

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

As a practitioner in the defense of workers' compensation claims since 1994, I regularly appear before the Labor and Industrial Relations Appeals Board. While I do not yet know Mr. Yee personally, I believe that the nature and extent of his professional experience and public and community service indicate that he will bring with him a wealth of knowledge and insight that will support and enhance the focus, purpose, and operations of the Labor and Industrial Relations Appeals Board.

I respectfully request your favorable consideration of Mr. Yee's 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. Amai

HARRY YEE



March 31, 2024

Aloha Senator Aquino,

Thank you for the opportunity to provide you with additional information in support of Governor Green's appointment of me as member of the Labor and Industrial Relations Appeals Board.

My responses to your letter/questionnaire of March 28, 2024 are below and I have attached my resume for your consideration.

1. Why do you wish to be a member of the Labor & Industrial Relations Appeals Board?

I am seeking appointment to the Labor and Industrial Relations Appeals Board (LIRAB) to serve the people of Hawaii and more specifically to facilitate relief for injured workers and ensure fair adjudication of all claims and controversies. In furtherance of this goal, I would employ my 14 years of experience as workers compensation claimant's counsel and more than 20 years experience as an Assistant U.S. Attorney defending medical malpractice and tort cases for the federal government with patience and compassionate.

2. How do you perceive the role and responsibilities of a member of the Labor & Industrial Relations Appeals Board?

The LIRAB is final level of administrative review of the decisions of the Disability Compensation Division (DCD) and in most claims/cases the final review. As a member of the LIRAB, it will be incumbent on me to ensure the impartial, efficient, and comprehensive review process of all appeals from the DCD. I would expect to be accountable to Governor, the Legislature, the Director

of the Department of Labor, the stakeholders (claimants, insurance carriers, medical providers, and attorneys practicing before the board), and the general public.

3. Given your understanding of the role and responsibilities of a member of the Labor & Industrial Relations Appeals Board, why do you believe that you are qualified for the position? Please include a brief statement of your skills, expertise, or knowledge that would aid in your decision-making ability as a member of the Labor & Industrial Relations Appeals Board?

My qualifications include 14 years of practice before the DCD and LIRAB from 1989 – 2003 and then 20 plus years as an Assistant United States Attorney defending federal agencies against medical malpractice, complex and simple tort claims, and a variety of civil enforcement matters. In my nearly 35 years as a lawyer in Hawaii I have been involved many state and federal cases, mediations, negotiations, and administrative hearings/proceedings. I also had the privilege of being the first outside general counsel to the State Legislative Auditor (Marion Higa) and the chairperson of the Hawaii Civil Rights Commission from 1997 – 2003.

4. What do you hope to accomplish during your term of service?

I believe there is opportunity to improve LIRAB's interactions and relationship with the stakeholders in the system. My immediate impact will be to eliminate any backlog of cases that occurred as result of the resignation of the third member of the board. In the long term, I would explore new efficiencies and develop resources for the board.

5. Name three qualities that best describe you and that would make you stand out How would these qualities benefit the Labor & Industrial Relations Appeals Board?

Compassion, fairness, and objectivity are my strengths that will benefit the LIRAB. Compassion and Fairness for all parties involved

in any of my cases over the past 35 years. In addition to the above, I have always been able to maintain Objectivity when I was in the role as a fact finder and interpreter of the applicable law. I believe this is my reputation Hawaii's legal community and the courts.

6. Name one previous experience that would make you stand out. How would this benefit the Labor & Industrial Relations Appeals Board?

My recent experience since 2022 as regular faculty instructor for "Basic Civil Trial Advocacy" at the U.S. Department of Justice, National Advocacy Center (Columbia, South Carolina) is relevant to the LIRAB. I was privileged to assist and facilitate the training of new lawyers from various U.S. Attorney offices and the DOJ on how to litigate cases in our federal courts. It is a two week "boot camp style" course and all participants are required to prepare and present a mock trial before real federal judges, Through this experience as faculty I have gained a unique perspective on advocacy, hearings, and adversarial proceedings, which would benefit the LIRAB board and staff.

7. Can you foresee any possible conflicts of interests that could arise during your service on the Labor & Industrial Relations Appeals Board? How would you overcome any possible conflicts of interest?

I don't have any conflicts of interest and do not predict any impediments to my service for my entire term.

Please feel free to contact me directly if I can provide you with anything further.

All the Best

/S/ HARRY YEE

LATE

GILBERT C. DOLES

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April 15, 2024

The Honorable Henry J.C. Aquino, Chair
The Honorable Sharon Y. Moriwaki, Vice Chair
Members of the Senate Committee on Labor & Technology
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

**Re: GM 727 – Senate Confirmation Hearing of
Harry Yee, Esq., for Labor and Industrial Relations Appeals Board**

Dear Honorable Chair Aquino, Vice Chair Moriwaki, and Members of the Committee:

It is both a pleasure and a privilege that I present this letter in strong and unequivocal support of Harry Yee, Esq., upon his nomination by Governor Josh Green to fill a vacancy in the Labor and Industrial Relations Appeals Board ("LIRAB").

For the past 35 years, I have known Mr. Yee as "Harry", on both personal and professional levels. Based upon my long-standing relationship with Harry, I am able to attest to his personal and professional character as being of the highest quality. Although Harry is not originally from Hawaii, his pleasant personality and demeanor have allowed him to assimilate easily within the local legal community, a fact that has been confirmed by many fellow Hawaii attorneys, adjusters, and Department of Labor personnel alike with whom we have mutually interacted over the years. Overall, I have found Harry to be a thoughtful, well-respected, hard-working, diligent, and responsible individual, whose honesty and integrity are noted and appreciated by his colleagues, peers, judges, hearings officers, former LIRAB members, and other members of both the legal and non-legal community.

From mid-1989 through 2003, I can personally recall that Harry had an active and thriving law practice during which he successfully represented many injured workers in the state of Hawaii at both administrative levels of the Department of Labor and Industrial Relation's Disability Compensation Division ("DCD") and LIRAB. Occasionally, Harry would actively participate in informal but meaningful discussions among his claimant attorney colleagues and peers to discuss the various provisions of Hawaii's Workers' Compensation Law, Chapter 386 of the Hawaii Revised Statutes ("HRS"), related legal and administrative procedure, and claim strategy in handling the many different and various types of issues that arise in workers' compensation claims.

During the next 20 years as a trial lawyer, Harry continued to hone his trial advocacy and litigation skills as an Assistant U.S. Attorney handling the defense of Federal Torts Claims Acts cases. Once again, I can personally recall a case in which Harry was assigned as the

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Assistant U.S. Attorney to defend a third-party claim I had filed on behalf of a plaintiff who suffered severe work-related physical and psychological injuries in the course and scope of her employment with a private employer whose business was located on U.S. government property. In that case, Harry was not only a zealous advocate in defense of the U.S. government but also displayed his fairness and reasonableness in reaching a global settlement that resolved the claim, as well as, fully satisfied the employer's right to reimbursement from the U.S. government and right to future credit pursuant to HRS §386-8. With Harry's cooperation, knowledge, and experience in handling Hawaii workers' compensation claims, the parties mutually agreed to resolve my client's third-party claim. In my personal experience and opinion, it is clear that Harry has sufficiently demonstrated that he clearly understands the subtle nuances and complex intricacies of HRS §386, Hawaii's Workers' Compensation Law.

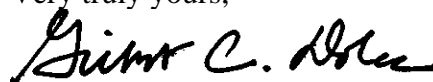
Clearly, therefore, as a highly experienced civil trial attorney with ample administrative law background and experience in handling Hawaii's Workers' Compensation claims at both the DCD and LIRAB levels, Harry has the requisite administrative law and trial experience, knowledge, acumen, insight, patience, and demeanor to enable him to ably dispatch the duties and responsibilities of a LIRAB Board Member, and to handle the heavy and demanding caseload that awaits him.

Furthermore, Harry's familiarity with and understanding of the various provisions of HRS §386 and the Hawaii Administrative Rules ("HAR") – Title 12, Chapter 10 (Workers' Compensation); Title 12, Chapter 14 (Vocational Rehabilitation); and, Title 12, Chapter 15 (Workers' Compensation Medical Fee Schedule & Exhibit A), deem him fully qualified to render appropriate decisions on a timely, legally-grounded, fair-minded, and objective basis.

Governor Josh Green's nomination of Harry Yee to fill the current vacancy at LIRAB will greatly assist in the timely administration of justice by resolving the backlog of claims that have remained on appeal for inordinate periods of time without a full and final decision. The addition of Harry to the current LIRAB panel would certainly be a positive step in the right direction.

Therefore, it is without any reservation that I strongly support and urge your committee's confirmation of my friend and colleague, Harry Yee, to fill the current vacancy on the LIRAB. Thank you for your time and attention. Should you have any further questions, please contact me at (808) 521-0900 .

Very truly yours,



GILBERT C. DOLES
Attorney at Law

GCD

cc: Harry Yee, Esq.