

INTERMEDIATE COURT OF APPEALS OF THE STATE OF HAWAII

Gomes, Jr. v. Employees' Retirement System, State of Hawaii

Gomes · No. CAAP-23-0000498 · Decided February 26, 2026

SUMMARY

The Intermediate Court of Appeals of Hawai‘i affirmed a circuit court judgment upholding the Employees’ Retirement System’s denial of Robert G. Gomes, Jr.’s application for service-connected disability retirement benefits. The court held that substantial evidence supported the determination that Gomes was not incapacitated for further performance of his duties and rejected his due process and administrative-bias claims. The court declined to reach the Employees’ Retirement System’s challenge to the circuit court’s performance-of-duty ruling, treating that ruling as dictum.

CASE DETAILS

COURT	Intermediate Court of Appeals of the State of Hawaii
WRITING FOR THE COURT	Katherine G. Leonard, Presiding Judge; Keith K. Hiraoka, Associate Judge; Clyde J. Wadsworth, Associate Judge
JURISDICTION	Intermediate Court of Appeals of the State of Hawai‘i
DECIDED	February 26, 2026
DOCKET	CAAP-23-0000498
DISPOSITION	affirmed
PROCEDURAL POSTURE	Secondary appeal from the Circuit Court of the Third Circuit's affirmance of the Employees' Retirement System Board's denial of service-connected disability retirement benefits; the Employees' Retirement System cross-appealed the circuit court's performance-of-duty ruling.
STANDARD OF REVIEW	On secondary appeal, the court reviews whether the circuit court was right or wrong under HRS § 91-14(g). Mixed questions of fact and law concerning incapacity are reviewed under the clearly erroneous standard. The court does not reweigh evidence, assess witness credibility, or resolve conflicts in testimony in reviewing agency findings.
PRECEDENTIAL VALUE	unpublished; not for publication in West's Hawaii Reports or the Pacific Reporter

PARTIES

Robert G. Gomes, Jr. v. Employees' Retirement System, State of Hawaii

TOPICS

judicial review of agency action administrative law appellate procedure standard of review
employee benefits

PRACTICE AREAS

administrative law public employee benefits disability retirement appellate procedure due process

QUESTIONS PRESENTED

1. Whether substantial evidence supported the ERS Board's determination that Gomes failed to prove incapacity for further performance of duty and was therefore not entitled to service-connected disability retirement benefits under HRS §§ 88-79 and 88-285.
2. Whether the ERS Board violated due process by acting as an advocate, displaying bias, or creating an appearance of impropriety when it evaluated and criticized the testimony of Gomes's expert.
3. Whether the circuit court's ruling that Gomes's injury occurred in the performance of duty was advisory or otherwise subject to selective vacatur, and whether the appellate court should review the merits of that ruling.

HOLDINGS

1. The ERS Board's determination that Gomes failed to prove he was incapacitated for the further performance of duty at the time of his application was supported by substantial evidence and was not clearly erroneous; the denial of benefits under HRS §§ 88-79 and 88-285 was affirmed.
2. The ERS Board did not violate Gomes's due process rights because he failed to show a disqualifying interest or circumstances that would cause a reasonable person to doubt the Board's impartiality.

KEY QUOTATIONS

“This conclusion presents mixed issues of fact and law and, as such, is reviewed under the clearly erroneous standard.” (4)

“Based on our own review of the pertinent record, we conclude that substantial evidence supported the ERS Board's conclusion that Gomes did not prove that he was incapacitated for the further performance of duty at the time of his Application.” (5)

“In an adjudicatory proceeding before an administrative agency, due process of law generally prohibits decisionmakers from being biased, and more specifically, prohibits decisionmakers from prejudging matters and the appearance of having prejudged matters.” (6)

“In these circumstances, we also decline to reach ERS's argument that the performance-of-duty ruling, i.e., dictum, was erroneous.” (8)

FACTUAL BACKGROUND

Gomes was employed as a Street Cleaning Supervisor for the County of Hawaii Department of Public Works. He reported a stress injury arising from workplace violence on June 11, 2015, and applied for service-connected disability retirement benefits on July 22, 2019. Three independent evaluators concluded that his adjustment disorder or mental stress was in remission and that he could perform his job without restrictions; the Medical Board agreed. The ERS Board therefore found that he had not established incapacity for further performance of duty at the time of his application.

PROCEDURAL HISTORY

Gomes applied for service-connected disability retirement benefits arising from a 2015 workplace-violence-related stress injury. The ERS hearings officer found that Gomes had not proved incapacity for further performance of duty, and the ERS Board adopted the recommendation with modifications and denied benefits. The Circuit Court affirmed the Board's final decision but also ruled that the injury occurred in the performance of duty. The Intermediate Court of Appeals affirmed the final judgment and declined to reach the challenge to the circuit court's performance-of-duty ruling because that ruling appeared to be dictum.

DISPOSITION

affirmed

CASES CITED

- Flores v. Bd. of Land & Nat. Res., 143 Hawai'i 114, 120, 424 P.3d 469, 475 (2018)
- Paul's Elec. Serv., Inc. v. Befitel, 104 Hawai'i 412, 416, 91 P.3d 494, 498 (2004)
- Poe v. Haw. Labor Rels. Bd., 97 Hawai'i 528, 536, 40 P.3d 930, 938 (2002)
- In re Water Use Permit Applications, 94 Hawai'i 97, 119, 9 P.3d 409, 431 (2000)
- In re Hawaiian Elec. Co., 81 Hawai'i 459, 465, 918 P.2d 561, 567 (1996)
- In re Hawaiian Elec. Light Co., 60 Haw. 625, 629, 594 P.2d 612, 617 (1979)
- Mauna Kea Anaina Hou v. Bd. of Land & Nat. Res., 136 Hawai'i 376, 389, 363 P.3d 224, 237 (2015)
- In re Conservation Dist. Use Application HA-3568, 143 Hawai'i 379, 392, 431 P.3d 752, 765 (2018)
- Sifagaloa v. Bd. of Trs. of Emps.' Ret. Sys., 74 Haw. 181, 190, 192, 840 P.2d 367, 371-72 (1992)