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State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

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EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0192

Application for Review Dismissed

PROCEDURAL HISTORY: On October 18, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 153918). Claimant filed a timely request for hearing. On January 6, 2014, ALJ Clink conducted a hearing, and on January 10, 2014 issued Hearing Decision 14-UI-08311, concluding that no work separation occurred between claimant and the employer. On January 30, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: The outcome of Hearing Decision 14-UI-08311, the hearing decision under review, concluded that claimant was not disqualified from receiving benefits based on a work separation from the employer.

CONCLUSIONS AND REASONS: We find that this application for review presents no justiciable controversy and should therefore be dismissed.

In written argument, claimant asks EAB to “modify” Hearing Decision 14-UI-08311 to clarify that he is “entitled” to, and “should receive,” benefits from the day he was suspended, September 24, 2013 to the day he returned to work, December 3, 2013.¹ However, the only issue before the ALJ was whether claimant is disqualified from receiving benefits based on a work separation from the employer. The ALJ found in claimant’s favor on that issue.

Upon our review of the record in this case, we found no portion of Hearing Decision 14-UI-08311 that is adverse to claimant or that has any negative effect on whether he otherwise qualifies and is eligible for

¹ Employer’s written argument at 3-5.

benefits from September 24 through December 3, 2013. Claimant has not assigned error to any portion of the decision and has not requested reversal of any portion of the decision.

In consideration of our obligation to issue decisions that are consistent with sound principles governing judicial review and address only existing controversies between parties, we decline to address matters that will have no practical effect on the rights of the parties to the controversy. *See Barcik v. Kubiacyk*, 321 Or 174, 895 P2d 765 (1995); *Brumnett v. PSRB*, 315 Or 402, 848 P2d 1194 (1992).

Because the case before us presents no justiciable controversy, the application for review of Hearing Decision 14-UI-08311 is dismissed.

DECISION: The application for review filed January 30, 2014 is dismissed. Hearing Decision 14-UI-08311 remains undisturbed.

Susan Rossiter and Tony Corcoran;
D. E. Larson, not participating.

DATE of Service: February 27, 2014

NOTE: You may appeal this decision by filing a Petition for Judicial Review with the Oregon Court of Appeals within 30 days of the date of service listed above. *See* ORS 657.282. For forms and information, you may write to the Oregon Court of Appeals, Records Section, 1163 State Street, Salem, Oregon 97310, or visit the website at <http://courts.oregon.gov/OJD/OSCA/acs/records/AppellateCourtForms.page>.

Note: the above link may be broken due to unannounced changes to the Court of Appeals website, in which case you may contact the Appellate Records at (503) 986-5555.