

EMPLOYMENT APPEALS BOARD DECISION
2014-EAB-0897

Application for Review Dismissed

PROCEDURAL HISTORY: On April 2, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was able to work for the periods March 2, 2014 through March 15, 2014 (weeks 10-14 and 11-14) and March 23, 2014 through March 29, 2014 (week 13-14) (decision # 123700). The employer filed a timely request for hearing. On May 7, 2014, ALJ Buckley conducted a hearing, and issued Hearing Decision 14-UI-17018, affirming the administrative decision. On May 21, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: The outcome of Hearing Decision 14-UI-17018, the hearing decision under review, allowed claimant benefits.

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

After reviewing the record in this case, we found that the outcome of the hearing decision was not adverse to claimant and had no practical effect on claimant's rights or interests.

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-17018 is dismissed.

DECISION: The application for review filed May 21, 2014 is dismissed. Hearing Decision 14-UI-17018 remains undisturbed.

Tony Corcoran and J. S. Cromwell, *pro tempore*;
Susan Rossiter and D. E. Larson, not participating.

DATE of Service: May 29, 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.