

**EMPLOYMENT APPEALS BOARD DECISION**

**2014-EAB-1862**

*Affirmed*  
*Request for Hearing Dismissed*

**PROCEDURAL HISTORY:** On November 18, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant, but not for misconduct (decision # 103852). Claimant filed a timely request for hearing. On December 2, 2014, ALJ Kangas reviewed claimant's request and issued Hearing Decision 14-UI-29685, dismissing claimant's hearing request. On December 9, 2014 filed an application for review with the Employment Appeals Board (EAB).

**CONCLUSIONS AND REASONS:** We agree with the ALJ that claimant is not entitled to a hearing. .

In Hearing Decision 14-UI-29685, the ALJ correctly concluded that a hearing would have no practical effect on claimant's rights or interests because the Department ruled in claimant's favor in decision # 103852. A party is only entitled to a hearing if a controversy exists which, if resolved, would have a practical effect on the party's rights. *See Barcik v. Kubiacyk*, 321 Or 174, 895 P2d 765 (1995); *Brunnett v. PRSB*, 315 Or 402, 848 P2d 1194 (1992). Accordingly, the ALJ did not err in dismissing claimant's request for hearing.

EAB reviewed the entire record. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

**DECISION:** Hearing Decision 14-UI-29685 is affirmed.

Susan Rossiter and Tony Corcoran;  
J. S. Cromwell, not participating.

**DATE of Service:** December 10, 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 [court.oregon.gov](http://court.oregon.gov). Once on the website, click on the blue tab for “Materials and Resources.” On the next screen, click on the tab that reads “Appellate Case Info.” On the next screen, select “Appellate Court Forms” from the left panel. On the next page, select the forms and instructions for the type of Petition for Judicial Review that you want to file.

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