

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

EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-1228

Application for Review of Hearing Decision 17-UI-93702
Dismissed Without Prejudice

PROCEDURAL HISTORY: On September 22, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 134328). On September 26, 2017, claimant filed a timely request for hearing. On September 27, 2017, the employer filed a timely request for hearing, to which the Office of Administrative Hearings (OAH) assigned a different case number. On October 3, 2017, ALJ Kangas of OAH issued Hearing Decision 17-UI-93702, dismissing the employer's request for hearing as presenting because no justiciable controversy. On October 10, 2017, OAH mailed notice of a hearing on claimant's request for hearing scheduled for October 25, 2017. On October 11, 2017, claimant filed an application for review of Hearing Decision 17-UI-93702 with the Employment Appeals Board (EAB). On October 25, 2017, ALJ Murdock conducted a hearing on claimant's request for hearing, and on October 26, 2017 issued Hearing Decision 17-UI-95505, concluding the employer discharged claimant, but not for misconduct.

CONCLUSIONS AND REASONS: Claimant's application for review of Hearing Decision 17-UI-93702 is dismissed without prejudice.

Claimant filed a timely request for hearing regarding administrative decision # 134328, and a hearing was held pursuant to that request on October 25, 2017. While awaiting the hearing, claimant filed an application for review of Hearing Decision 17-UI-93702 with EAB. However, any further proceedings in this matter should be conducted pursuant to the case generated by OAH from claimant's request for hearing. Claimant's application for review of Hearing Decision 17-UI-93702 is therefore dismissed without prejudice.

DECISION: Claimant's application for review filed October 11, 2017 is dismissed without prejudice.

J. S. Cromwell and D. P. Hettle.

DATE of Service: October 30, 2017

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 Court of Appeals website at courts.oregon.gov. Once on the website, use the ‘search’ function to search for ‘petition for judicial review employment appeals board’. A link to the forms and information will be among the search results.

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