

**EMPLOYMENT APPEALS BOARD DECISION**  
**2018-EAB-1048**

*Application for Review Dismissed*

**PROCEDURAL HISTORY:** On September 19, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer suspended claimant, but not for misconduct (decision # 75556). The employer filed a timely request for hearing. On October 18, 2018, ALJ Frank conducted a hearing, and on October 26, 2018 issued Order No. 18-UI-118776, affirming the Department's decision. On November 6, 2018, claimant filed an application for review with the Employment Appeals Board (EAB).

The employer submitted written argument to EAB. The employer's argument contained information that was not part of the hearing record, and failed to show that factors or circumstances beyond its reasonable control prevented it from offering the information during the hearing. Under ORS 657.275(2) and OAR 471-041-0090 (October 29, 2006), we considered only information received into evidence at the hearing when reaching this decision.

**FINDINGS OF FACT:** (1) On September 19, 2018, the Department served notice of an administrative decision concluding the employer suspended claimant, but not for misconduct. The employer filed a timely request for hearing with OAH.

(2) October 18, 2018, ALJ Frank conducted a hearing, and on October 26, 2018 issued Order No. 18-UI-118776, affirming the Department's decision. That order was in claimant's favor and was not adverse to claimant's interests. On November 6, 2018, claimant filed an application for review with EAB.

**CONCLUSIONS AND REASONS:** Claimant's application for review presents no justiciable controversy. Therefore, claimant's application for review of Order No. 18-UI-118776 must be dismissed.

Claimant appealed an order that allowed him benefits. In his application for review, claimant did not assign error to any portion of the order, nor did he request reversal of any part of the order. The EAB has an 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.

**DECISION:** The application for review filed November 6, 2018 is dismissed. Order No. 18-UI-118776 remains undisturbed.

J. S. Cromwell and S. Alba;  
D. P. Hettle, not participating.

**DATE of Service: November 29, 2018**

**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](http://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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