

**EMPLOYMENT APPEALS BOARD DECISION**  
**2018-EAB-1086**

*Application for Review Dismissed*

**PROCEDURAL HISTORY:** On October 5, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 135614). Claimant filed a timely request for hearing. On November 8, 2018, ALJ Murdock conducted a hearing, and on November 9, 2018 issued Order No. 18-UI-119559, concluding the employer discharged claimant, but not for misconduct. On November 16, 2018, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB reviewed the entire hearing record.

**FINDINGS OF FACT:** (1) On October 5, 2018, the Department served notice of an administrative decision concluding the employer discharged claimant for misconduct. Claimant filed a timely request for hearing with OAH.

(2) On November 8, 2018, ALJ Murdock conducted a hearing, and on November 9, 2018 issued Order No. 18-UI-119559, concluding the employer discharged claimant, but not for misconduct. That decision was in claimant's favor and was not adverse to claimant's interests. On November 16, 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-119559 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 decision, nor did he request reversal of any part of the decision. 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 16, 2018 is dismissed. Order No. 18-UI-119559 remains undisturbed.

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

**DATE of Service: November 27, 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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