K. L. asks the Appeals Board of the Utah Labor Commission to review Administrative Law Judge La Jeunesse's dismissal of Ms. L.'s complaint alleging that St. Mark's Hospital discriminated against Ms. L. in violation of the Utah Antidiscrimination Act ("the Act" hereafter; Title 34A, Chapter 5, Utah Code Annotated).

The Appeals Board exercises jurisdiction in this matter pursuant to Utah Code Ann. '63-46b-12 and Utah Code Ann. '34A-5-107(11).

BACKGROUND AND ISSUES PRESENTED

On January 12, 2001, Ms. L. filed a complaint against St. Mark's Hospital with the Utah Antidiscrimination and Labor Division. Ms. L.'s complaint alleged that the hospital had engaged in unlawful employment discrimination against her because of her race. The Division investigated Ms. L.'s complaint but found no cause to believe St. Mark's had engaged in unlawful discrimination.

Ms. L. then requested a *de novo* evidentiary hearing on her complaint. The matter was assigned to Judge La Jeunesse who conducted various preliminary proceedings but then concluded that St. Mark's had already provided Ms. L. with all relief available under the Act. For that reason, on October 29, 2003, Judge La Jeunesse dismissed Ms. L.'s complaint as moot.

Ms. L. now asks the Appeals Board to review Judge La Jeunesse's decision on the grounds it is based on incorrect facts regarding disciplinary action taken against her. Ms. L. also reiterates her underlying contention that St. Mark's took this action against her because of race.

DISCUSSION AND CONCLUSION OF LAW

Ms. L.'s arguments notwithstanding, the record in this matter establishes that St. Mark's has voluntarily taken action that affords Ms. L. all the remedies and relief she could obtain under the Utah Antidiscrimination Act if she were to prevail on the merits of her complaint. It is a well established principle of Utah law that courts, and by extension, administrative agencies, should not adjudicate claims when such adjudication will have no practical effect. "If the requested judicial relief cannot affect the rights of the litigants, the case is moot and a court will normally refrain from adjudicating it on the merits." (Citations omitted.) Duran v. Morris, 635 P.2d 43, 45 (Utah1981). "Once a controversy has become moot, a trial court should enter an order of dismissal." Merhish v. H.A. Folson & Associates, 646 P.2d 731, 732 (Utah 1982)

The Appeals Board agrees with Judge La Jeunesse that further adjudication of the merits of Ms. L.'s complaint against St. Mark's will have no effect with respect to any remedies that are available under Utah law. Consequently, for purposes of this proceeding pursuant to Utah law, Ms. L.'s complaint is moot and properly dismissed. The Appeals Board expresses no opinion as to whether Ms. L.'s complaint would also be considered moot under the more expansive remedy provisions of federal antidiscrimination statutes.

ORDER

The Appeals Board affirms Judge La Jeunesse's decision and denies Ms. L.'s motion for review. It is so ordered.

Dated this 31st day of January, 2005.

Colleen S. Colton, Chair
Patricia Drawe
Joseph Hatch