

---

In the Matter of the Compensation of  
**JO M. HOWARD, Claimant**  
WCB Case No: C030763  
**ORDER APPROVING CLAIM DISPOSITION AGREEMENT**  
Ernest M Jenks, Claimant Attorneys  
Johnson Nyburg & Andersen, Defense Attorneys

Reviewing Panel: Members Biehl and Langer.

On April 1, 2003, the Board received the parties' claim disposition agreement (CDA) in the above-captioned matter. Pursuant to that agreement, in consideration of the payment of a stated sum, claimant releases certain rights to future workers' compensation benefits, except medical services, for her compensable injury. We approve the proposed disposition.

The first page of the proposed CDA provides that the total amount due claimant is \$2,125 and the total due claimant's attorney is \$875. This would equal a total consideration of \$3,000. However, the total consideration recited on the first page, as well as paragraph number 12, of the CDA is "\$3,500," with claimant's attorney receiving \$875.

In light of this, we interpret the reference on the first page of the CDA to a distribution to claimant of "\$2,125" as a typographical error and that the actual distribution to claimant should be \$2,625. In reaching this conclusion, we note that a payment of \$2,625 to claimant would be consistent with a total consideration of \$3,500 and an attorney fee of \$875. Furthermore, an attorney fee of \$875 would be consistent with a 25 percent fee from a \$3,500 CDA. *See* OAR 438-015-0052(1). Accordingly, we interpret the agreement as providing for a total consideration of \$3,500, with claimant receiving \$2,625 and claimant's counsel an attorney fee of \$875.

The agreement, as clarified by this order, is in accordance with the terms and conditions prescribed by the Board. *See* ORS 656.236(1). Therefore, the parties' claim disposition agreement is approved.

Should the parties disagree with our interpretation of the CDA, they may move for reconsideration by filing a motion for reconsideration within 10 days of the date of mailing of this order. OAR 438-009-0035.

IT IS SO ORDERED.

Entered at Salem, Oregon on April 8, 2003