
In the Matter of the Compensation of
NANCY D. TRAVER, Claimant
WCB Case Nos. 02-08896, 02-08895, 01-04273
SECOND ORDER ON REMAND
Welch Bruun & Green, Claimant Attorneys
Michael G Bostwick LLC, Defense Attorneys
Scheminske et al, Defense Attorneys

Reviewing Panel: Members Biehl and Lowell.

On October 22, 2004, on remand from the Court of Appeals, we approved a “Disputed Claim Settlement” (DCS) and “Stipulation” designed to resolve all issues raised or raisable between claimant, Pacific Employers Insurance Company and Sedgwick Claims Management Services (Sedgwick). Claimant and Xerox/CNA ClaimPlus have now submitted a DCS designed to resolve all issues raised or raisable between them.

We treat this submission as a motion for reconsideration of our October 22, 2004 order. We grant the motion. Our October 22, 2004 order is withdrawn. On reconsideration, as supplemented and modified herein, we republish our October 22, 2004 order.

In accordance with the “Xerox/CNA ClaimPlus” settlement, claimant agrees that its denial, as supplemented in the agreement, “shall forever remain in full force and effect.” The parties further agree that “all requests for hearing shall be dismissed with prejudice.”

We approve the parties’ settlement, thereby fully and finally resolving all issues raised or raisable between claimant and Xerox/CNA ClaimPlus.¹ Accordingly, this matter, as well as matters regarding claimant and Pacific Employers/Sedgwick are dismissed with prejudice.

IT IS SO ORDERED

Entered at Salem, Oregon November 5, 2004

¹ Pursuant to the agreement, claimant has agreed to waive her right to bring a “claim, suit or action, of any kind or type whatsoever, pursuant to *Smother's v. Gresham Transfer, Inc.*, 323 Or 83 (2001) and/or ORS 656.019.” Although we have approved the parties’ agreement, our approval is limited to matters arising under Chapter 656. Consequently, to the extent that the parties’ settlement purports to address civil matters beyond Chapter 656, our approval of their agreement does not extend to such matters.