
In the Matter of the Compensation of
HOLLY L. WARGNIER, Claimant
WCB Case No: C051061
ORDER APPROVING CLAIM DISPOSITION AGREEMENT
Jean M Fisher, Claimant Attorneys
Mark P Bronstein, Defense Attorneys

Reviewing Panel: Members Kasubhai and Lowell.

On May 16, 2005, 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 CDA provides, in part, including hand written interlineation:

“This claim has not been closed. The total amount (percent) of unscheduled/scheduled permanent disability benefits awarded on this claim is: zero. *Had claim closed, claimant would have received a permanent partial disability award.*” (Emphasis added).

It is well settled that CDA's are not designed for purposes of claim processing. *E.g., Kenneth R. Free, 47 Van Natta 1537 (1995)*. Here, however, we do not interpret the CDA as accomplishing a claim processing function. In other words, in approving the CDA, we do not interpret the CDA as *awarding* permanent disability.¹ Rather, we find that the CDA releases claimant's rights to past, present and future benefits of temporary disability and permanent disability related to the accepted claim. *See Von E. Kurtz, 56 Van Natta 2027 (2004); Matthew M. Meryk, 53 Van Natta 1635 (2001)* (recognizing that any unpaid permanent disability granted by an Order on Reconsideration was released by the CDA).

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

¹ We interpret the provision as merely *the parties'* prediction that claimant's compensable injury would have eventually resulted in a permanent disability award.

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 May 26, 2005