

In the Matter of the Compensation of
JODY K. FISHER, Claimant
 WCB Case No: C051277
ORDER APPROVING CLAIM DISPOSITION AGREEMENT
 Malagon Moore et al, Claimant Attorneys
 Brethouwer & Gilman, Defense Attorneys

Reviewing Panel: Members Biehl and Langer.

On June 13, 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 "summary page" of the proposed CDA provides that the total amount due claimant is \$19,985 and the total due claimant's attorney is \$5,125. This would equal a total consideration of \$25,110. However, page 2, paragraph 12 of the agreement recites that the total "consideration" is \$25,000. Consistent with the "summary page," the total due claimant's attorney on page 2, paragraph 13 has been initialed and revised to \$5,125¹. Additionally, page 3, paragraph 20 has been initialed and revised to \$19,875.

After reviewing the summary page and the body of the document, we conclude that the reference on the "summary page," to a total consideration to claimant of "\$19,985" is a typographical error. Instead, we find that the parties' intent is for the disposition proceeds to be distributed as follows:

\$19,875	Total Due Claimant
<u>\$ 5,125</u>	Total Due Attorney
\$25,000	Total Consideration

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' CDA is approved.

¹We note that a \$5,125 attorney fee is consistent with the Board's attorney fee rules for a CDA totalling \$25,000. OAR 438-015-0052(1).

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 June 23, 2005