
In the Matter of the Compensation of
TINA M. BURAL, Claimant
WCB Case No. 02-06623
ORDER ON RECONSIDERATION
Black Chapman et al, Claimant Attorneys
Scheminske et al, Defense Attorneys

Reviewing Panel: Members Lowell and Biehl.

On October 20, 2004, we republished our September 21, 2004 order that adopted and affirmed an Administrative Law Judge's (ALJ's) order that set aside the insurer's denial of claimant's injury claim for a low back condition. The parties have now submitted a Disputed Claim Settlement (DCS) designed to resolve all issues raised or raisable between them. We treat this submission as a motion for reconsideration of our October 20, 2004 order. We grant the motion. Our October 20, 2004 and September 21, 2004 orders are withdrawn. On reconsideration, we issue the following order.

Pursuant to the settlement, claimant understands that the insurer's denial, as supplemented in the agreement, shall "forever remain in full force and effect." The parties further agree that the hearing request "shall be dismissed with prejudice."

We have approved the parties' settlement, thereby fully and finally resolving their dispute, in lieu of all prior orders.¹ Accordingly, this matter is dismissed with prejudice.

IT IS SO ORDERED.

Entered at Salem, Oregon on May 4, 2005

¹ In granting this approval, we note that claimant agrees to waive her right to bring a claim, suit or action of any type against his employer pursuant to *Smother's v. Gresham Transfer, Inc.*, 323 Or 83 (2001). Because our statutory authority is limited to matters concerning a claim arising under ORS chapter 656, our approval of the parties' settlement (and the aforementioned provision) solely pertains to matters subject to our statutory authority and does not extend to civil issues outside ORS chapter 656. See *Claude A. Benson*, 55 Van Natta 3935 n 1 (2003).