

In the Matter of the Compensation of
STEPHEN J. HODGKIN, Claimant

WCB Case No. 04-04226

ORDER ON REMAND

Bottini Bottini & Oswald, Claimant Attorneys

Terrall & Terrall, Defense Attorneys

Reviewing Panel: Members Kasubhai and Langer.

This matter is before the Board on remand from the Court of Appeals. Pursuant to the court's June 9, 2006 order, we have been directed to consider the parties' proposed settlement. The parties have submitted a proposed "Disputed Claim Settlement" (DCS) that is designed to resolve all issues raised or raisable between them, in lieu of all prior orders. Specifically, the settlement is intended to resolve disputes pending before the Board on remand, as well as before the Hearings Division (WCB Case No. 06-02001).

That portion of the settlement which pertains to the Hearings Division has received Administrative Law Judge (ALJ) approval. Pursuant to those portions of the settlement that pertain to this case, claimant agrees that his claim "shall remain in denied status."

We approve those portions of the parties' settlement that pertain to this case, thereby fully and finally resolving their dispute, in lieu of all prior orders.¹ This matter is dismissed.

IT IS SO ORDERED.

Entered at Salem, Oregon on June 26, 2006

¹ The agreement also provides that the employer will partially reimburse a private health insurer (Regence HMO Oregon) in full and final satisfaction of its subrogation lien. Because the compensability dispute is being resolved by a DCS, only medical service providers may be directly reimbursed from the settlement proceeds. ORS 656.313(4)(c). Nevertheless, we have interpreted the agreement to mean that claimant has assigned a portion of the proceeds to Regence. Such an assignment is permissible. See *Edward A. Sprague*, 51 Van Natta 1060 n 1 (1999).