
In the Matter of the Compensation of
GARY L. STRONG, Claimant
WCB Case No: C070390
ORDER APPROVING CLAIM DISPOSITION AGREEMENT
Edward J Hill, Claimant Attorneys
Hornecker Cowling et al, Defense Attorneys

Reviewing Panel: Members Biehl and Langer.

On February 21, 2007, 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 his compensable injury. We approve the proposed disposition.

The "summary page" of the agreement provides that claimant shall receive \$19,785, with claimant's attorney receiving \$5,115.¹ This equals a total consideration of \$24,900. However, page 3, paragraph 13 of the agreement provides that the consideration is "\$19,785." Additionally, paragraph 14 provides that "[o]ut of the above consideration, claimant's attorney shall receive an attorney fee in the amount of \$5,115."

After reviewing the summary page and the body of the document, we conclude that the reference on page 3, paragraph 13 to "consideration" of "\$19,785" is a typographical error. Instead, we find that the parties' intent is for the disposition proceeds to be distributed as follows:

\$19,785	Total Due Claimant
<u>\$ 5,115</u>	Total Due Attorney
\$24,900	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.

¹ We note that, absent extraordinary circumstances, a \$5,115 attorney fee is consistent with the Board's attorney fee rules for a CDA totaling \$24,900. *See* OAR 438-015-0052(1).

If 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 March 1, 2007