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In the Matter of the Compensation of  
**KENNETH L. CURTISS, Claimant**  
WCB Case No. 07-01324  
ORDER OF DISMISSAL  
Malagon Moore et al, Claimant Attorneys  
Radler Bohy et al, Defense Attorneys

Reviewing Panel: Members Lowell and Biehl.

The self-insured employer requested review of Administrative Law Judge (ALJ) Sencer's order that set aside its denial of claimant's current combined cervical strain condition. The parties have submitted a proposed "Disputed Claim Settlement" that is designed to resolve all issues raised or raisable between them, in lieu of the ALJ's order.

Pursuant to the proposed settlement, claimant understands that the employer's denial, as supplemented in the agreement, "shall remain in full force and effect." The settlement further provides that the employer withdraws its request for review, which the parties agree "shall be dismissed with prejudice."

By this order, we approve the parties' settlement, thereby fully and finally resolving their dispute, in lieu of the ALJ's order.<sup>1</sup> Accordingly, this matter is dismissed with prejudice.

IT IS SO ORDERED.

Entered at Salem, Oregon on October 24, 2007

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<sup>1</sup> We note that claimant directs a portion of his share of the settlement proceeds to a private health insurance carrier in "satisfaction of its lien for health insurance." Inasmuch as the parties' compensability dispute is being resolved by means of a disputed claim settlement (DCS), only medical service providers may be directly reimbursed from the settlement proceeds. ORS 656.313(4)(c). (Health insurance providers may be directly reimbursed by the workers' compensation carrier if "the services are determined to be compensable." ORS 656.313(4)(b)). Nonetheless, because proceeds from a DCS are not considered "compensation," a claimant's assignment of all or a portion of her share of the proceeds is not prohibited by ORS 656.234. *Wanda D. Gangle*, 55 Van Natta 3655 (2003). Therefore, in granting our approval of the settlement, we have interpreted the agreement as providing that claimant has assigned a portion of his share of the settlement proceeds to the non-workers' compensation carrier. As explained above, such an assignment is not statutorily prohibited.