

In the Matter of the Compensation of
REBECCA E. SEELYE, Claimant

WCB Case No. 06-06856

ORDER OF DISMISSAL

Daniel M Spencer PC, Claimant Attorneys
Julie Masters, SAIF Legal Salem, Defense Attorneys

Reviewing Panel: Members Lowell and Biehl.

On September 25, 2007, we issued an order that reversed an Administrative Law Judge's (ALJ's) order that had set aside the SAIF Corporation's denial of claimant's new/omitted medical condition claim for a consequential L4-5 disc protrusion. Claimant petitioned the court for judicial review of our order. The parties have submitted a proposed "Disputed Claim Settlement Agreement" designed to resolve all issues raised or raisable between them. Specifically, the agreement is designed to resolve the parties' dispute pending before the Court of Appeals.¹

Pursuant to the settlement, claimant understands that SAIF's denial, as supplemented by the agreement, "shall remain in full force and effect." The agreement further provides that the hearing requests "shall be dismissed with prejudice."

By this order, we have approved the parties' agreement, thereby fully and finally resolving this dispute, in lieu of all prior orders. Accordingly, this matter is dismissed with prejudice.

IT IS SO ORDERED.

Entered at Salem, Oregon on February 20, 2008

¹ Effective January 1, 2008, the statutory amendments to ORS 656.298 became applicable. Senate Bill 268. With those changes, we are authorized to review and consider proposed settlements of disputes that are pending before the appellate courts. Under prior law, we could only proceed with our review and approval of settlements after the court issued an order remanding the case to us. With these statutory changes, we have jurisdiction to consider the settlement and to enter any orders necessary to implement the settlement. If the settlement disposes of all issues pending before the appellate court, the court may dismiss the petition for judicial review. If the settlement only partially disposes of the pending issues, the appellate court may limit its review to the unresolved issues.