
In the Matter of the Compensation of
GEORGE R. SHEPARD, Claimant
WCB Case No. 07-04750
ORDER OF DISMISSAL
Patrick K Mackin, Claimant Attorneys
Andersen & Nyburg, Defense Attorneys

Reviewing Panel: Members Langer and Biehl.

Claimant requested review of Administrative Law Judge (ALJ) Brazeau's order that: (1) upheld the insurer's denial of his new or omitted medical condition claim for a cervical condition; and (2) declined to award penalties and attorney fees for an allegedly unreasonable denial. The parties have submitted a proposed "Disputed Claim Settlement" (DCS) that is designed to resolve all issues raised or raisable in this matter.

Pursuant to the settlement, claimant understands that the insurer's denials "shall forever remain in full force and effect." The agreement further provides that the hearing requests "shall be dismissed with prejudice."

We have approved the parties' agreement, thereby fully and finally resolving this dispute.¹ Accordingly, this matter is dismissed with prejudice.

IT IS SO ORDERED.

Entered at Salem, Oregon on February 12, 2008

¹ Pursuant to the agreement, claimant agrees to waive his right to "file a claim for civil remedies arising out of the denied claim under ORS 656.019." Our approval of the parties' settlement is limited to matters arising under chapter 656. As such, to the extent, if any, that the parties' settlement purports to address civil matters that exceed chapter 656, our approval would not extend to such matters. *See Claude A. Benson, 55 Van Nada 3935 (2003).*