

In the Matter of the Compensation of
JEFFREY M. GRANZOTTO, Claimant
WCB Case No. 07-04244
ORDER OF DISMISSAL
Malagon Moore et al, Claimant Attorneys
Andersen & Nyburg, Defense Attorneys

Reviewing Panel: Members Weddell and Langer.

Claimant requested review of Administrative Law Judge (ALJ) Ogawa's order that set aside the insurer's denial of his cervical disc condition. 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 denial, as supplemented in the agreement, "shall forever remain in full force and effect." The agreement further provides that the hearing request "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.²

IT IS SO ORDERED.

Entered at Salem, Oregon on July 25, 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 Natta 3935 (2003).

² A provision in the parties' settlement states that a portion of claimant's share of the proceeds shall be provided to claimant's private insurer, Blue Cross/Blue Shield, in satisfaction of its lien. Inasmuch as the parties' compensability dispute is being resolved by means of a 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 his share of the proceeds is not prohibited by ORS 656.234. *Wanda D. Gangle*, 55 Van Natta 3655 (2003); *Robert D. Surina*, 40 Van Natta 1855 (1988). 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. Such an assignment is not prohibited.