
In the Matter of the Compensation of
DELIA B. VITELA, Claimant
WCB Case No. 08-06680
ORDER OF DISMISSAL
John M Hoadley, Claimant Attorneys
The Law Office of Gress & Clark LLC, Defense Attorneys

Reviewing Panel: Members Lowell and Biehl.

Claimant requests review of Administrative Law Judge (ALJ) Sencer's order that upheld the self-insured employer's denial of her new/omitted medical conditions claim for left shoulder, low back, head and thoracic conditions. The parties have submitted a proposed "Disputed Claim Settlement" (DCS) that is designed to resolve all issues raised or raisable between them.

Pursuant to the settlement, claimant agrees that the employer's denials, as supplemented in the agreement, "shall be approved." Claimant also agrees that her hearing request and request for Board review shall be "dismissed with prejudice."

By this order, we approve the parties' settlement, thereby fully and finally resolving their dispute.¹ Accordingly, this matter is dismissed with prejudice.

IT IS SO ORDERED.

Entered at Salem, Oregon on December 28, 2009

¹ The agreement provides that claimant retains all rights that may later arise under ORS 656.245. It does not, however, mention claimant's continuing rights to benefits under ORS 656.273, 656.278, and 656.340 insofar as they may be related to her accepted conditions. *See* OAR 438-009-0010(4)(b). Nevertheless, the parties have also filed a Claim Disposition Agreement (CDA) which fully releases all of claimant's "non-medical service" rights under the January 2008 claim. The CDA has received our approval. In light of our approval of the CDA (which includes the aforementioned full release of "non-medical service" benefits), we consider the "reservation-of-rights" provision in the DCS to be acceptable.