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In the Matter of the Compensation of  
**TREVOR J. SMITH, Claimant**  
WCB Case No: 12-01208C  
ORDER APPROVING CLAIM DISPOSITION AGREEMENT  
Shlesinger & Devilleneuve, Claimant Attorneys  
Ronald W Atwood, Defense Attorneys

Reviewing Panel: Members Lowell and Weddell.

On May 29, 2012, the Board received the parties' claim disposition agreement (CDA). In consideration of the payment of a stated sum, claimant releases certain rights to future workers' compensation benefits, except medical services-related benefits, for his compensable injury. We approve the proposed disposition.

Pursuant to paragraph 20, the CDA purports to "set aside" an Order on Reconsideration and to "reinstate[]" a Notice of Closure.<sup>1</sup>

It is well settled that CDAs are not designed for purposes of claim processing. *E.g.*, *Kenneth D. Chalk*, 48 Van Natta 1874 (1996); *Kenneth R. Free*, 47 Van Natta 1537 (1995). Here, however, we do not interpret the CDA as accomplishing a claim processing function. In other words, in approving the CDA, we do not interpret the CDA as "setting aside" claimant's permanent disability award in the Order on Reconsideration and "reinstating" the award in the Notice of Closure. Rather, we find that the CDA releases claimant's rights to past, present and future benefits of temporary disability and permanent disability related to the accepted claim. *See James B. Maxwell*, 62 Van Natta 2712 (2010); *Linda L. Bailey*, 59 Van Natta 1253 (2007).

The agreement, as clarified by this order, is in accordance with the terms and conditions prescribed by the Board. *See* ORS 656.236(1). Accordingly, the parties' CDA is approved.

If the parties disagree with our interpretation of the CDA, they may move for reconsideration by filing a motion for reconsideration within 10 days of the date of mailing of this order. OAR 438-009-0035.

IT IS SO ORDERED.

Entered at Salem, Oregon on June 13, 2012

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<sup>1</sup> In addition, the parties agree that nothing in the CDA is designed to resolve the employer's appeal of a March 7, 2012 penalty order. (WCB 12-00001CP).