

In the Matter of the Compensation of
LESLEY P. COX, Claimant
WCB Case No. 10-05829
ORDER APPROVING SETTLEMENT
Bottini Bottini & Oswald, Claimant Attorneys
Sheridan Levine LLP, Defense Attorneys

Reviewing Panel: Members Lowell and Weddell.

On February 8, 2012, we issued an order that reversed that portion of an Administrative Law Judge's (ALJ's) order that upheld the self-insured employer's denial of claimant's new/omitted medical condition claim for a right rotator cuff tear. The employer petitioned the court for judicial review of our order. The parties have submitted a proposed "Stipulation and Disputed Claim Settlement" (DCS) designed to resolve all issues raised or raisable between them, in lieu of our prior order. Specifically, the agreement is designed to resolve the parties' dispute pending before the Court of Appeals. We are authorized to consider the parties' DCS. ORS 656.298; *Rebecca E. Seelye*, 60 Van Natta 332 (2008).

Pursuant to the settlement, claimant understands that the employer's denial "shall be affirmed and remain in full force and effect." Finally, the parties agree that the requests for hearing and Board review and the petition for judicial review "shall be dismissed with prejudice."

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

IT IS SO ORDERED.

Entered at Salem, Oregon on June 26, 2012