

In the Matter of the Compensation of
STEPHEN L. SUTTON, Claimant
WCB Case No. 12-04113, 12-04452
ORDER APPROVING SETTLEMENT
Ransom Gilbertson Martin et al, Claimant Attorneys
Sather Byerly & Holloway, Defense Attorneys

Reviewing Panel: Members Lanning and Lowell.

On July 18, 2013, we issued an order that affirmed an Administrative Law Judge's (ALJ's) order that found that claimant's proposed right shoulder surgery was not caused in material part by his accepted right shoulder condition. Claimant petitioned the court for judicial review of our order.

The parties have submitted a proposed "Disputed Claim Settlement Agreement" (DCS) that is designed to resolve all issues raised or raisable between them. Specifically, the agreement is designed to resolve the parties' disputes pending before the Hearings Division (WCB Case No. 13-01332), and before the Court of Appeals. We are authorized to consider the parties' DCS. ORS 656.298; *Rebecca E. Seelye*, 60 Van Natta 332 (2008).

That portion of the DCS which pertains to the Hearings Division has received Administrative Law Judge (ALJ) approval. Pursuant to those portions of the DCS that pertain to this case, the parties understand that the insurer's denial "shall forever remain in full force and effect." The agreement further provides that the hearing request "shall be dismissed with prejudice."

By this order, we approve those portions of the parties' DCS that pertain to this case, thereby fully and finally resolving their dispute. Accordingly, this matter is dismissed with prejudice.

IT IS SO ORDERED.

Entered at Salem, Oregon on November 15, 2013