

In the Matter of the Compensation of  
**STEVE L. POTTER, Claimant**  
 WCB Case No: 14-00733C  
**ORDER APPROVING CLAIM DISPOSITION AGREEMENT**  
 Scott M McNutt Sr, Claimant Attorneys  
 Chad Kosieracki, Defense Attorneys

Reviewing Panel: Members Lanning and Lowell.

On March 25, 2014, 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 CDA.

The "summary page" of the CDA provides that claimant shall receive \$7,500 with his attorney receiving \$2,500, which equals \$10,000. However, Paragraph 12 provides that the consideration is \$5,000. Paragraph 13 provides that, "[o]ut of the above consideration," claimant's attorney shall receive a \$1,250 attorney fee.

In interpreting a CDA, we generally rely on the more specific provisions in the body of the CDA, rather than the more general provisions on the first page of the CDA. *See Penny R. Doty*, 61 Van Natta 2704 (2009) (relying on the specific provisions regarding the amount of consideration).

After reviewing the summary page and the body of the CDA, we conclude that the reference on the "summary page" to the total due claimant as "\$7,500" is a typographical error. Instead, consistent with the body of the CDA, we find that the parties' intent is for the proceeds to be distributed as follows:

\$3,750	Total Due Claimant
<u>\$1,250</u>	Total Due Attorney <sup>1</sup>
\$5,000	Total Consideration

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.

---

<sup>1</sup> An attorney fee of \$1,250 is consistent with the Board's attorney fee rules for a CDA totaling \$5,000. *See* OAR 438-015-0052(1).

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 April 2, 2014