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In the Matter of the Compensation of  
**WILLIAM COULTAS, Claimant**  
WCB Case No. 12-00003TP  
ORDER APPROVING SETTLEMENT  
Furniss Shearer & Leineweber, Claimant Attorneys  
Sather Byerly & Holloway, Defense Attorneys

Reviewing Panel: Members Langer and Weddell.

On July 20, 2012, we issued an order that approved claimant's "third party" settlements with Columbia Helicopters and Sikorsky Aircraft. The insurer petitioned for judicial review of our order. The parties have submitted a proposed "Stipulation" that is designed to resolve the parties' dispute pending before the Court of Appeals.<sup>1</sup> We are authorized to consider the parties' settlement. ORS 656.298(9); *Rebecca E. Seelye*, 60 Van Natta 332 (2008).

Pursuant to the "Stipulation," claimant agrees to reimburse the insurer in an amount equal to its paid indemnity and paid expense subject to its "third party" lien.<sup>2</sup> Finally, the stipulation provides that the insurer's appeal "shall be dismissed."

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<sup>1</sup> The parties have also submitted a copy of a "Release," in which claimant releases his right to receive future benefits in return for the insurer's approval of third party settlements totaling more than \$1 million. *See* ORS 656.593(6). By this order, we acknowledge receipt of the parties' "Release," which has also been filed with the Department of Consumer and Business Services (DCBS). *See* ORS 656.593(6)(b).

<sup>2</sup> ORS 656.593(6) provides that a worker may elect to release the paying agency from all further liability on the claim, provided that several enumerated conditions are met. One of the requirements is that the worker (or beneficiaries) is entitled to receive payment pursuant to a third party judgment or settlement in the amount of \$1 million or more. Another prerequisite is that the release has been served on DCBS with respect to its expenditures from the Workers' Benefit Fund, the Consumer and Business Services Fund, and the Self-insured Employer Adjustment Reserve. ORS 656.593(6)(b). In addition, the claim release must specify that the worker or beneficiaries of the worker "understand that the claim release means that no further benefits of any nature whatsoever shall be paid to the worker or the beneficiaries of the worker." ORS 656.593(6)(c).

Here, the stipulation provides that a copy of the release has been served on DCBS. Furthermore, considering the aforementioned release provision, in conjunction with claimant's agreement that he has voluntarily signed the settlement agreement with the intent of releasing his right to receive workers' compensation benefits, the parties' release is consistent with the above statute.

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We have approved the parties' settlement, thereby fully and finally resolving their dispute.<sup>3</sup> Accordingly, this matter is dismissed.

**IT IS SO ORDERED.**

Entered at Salem, Oregon on March 28, 2014

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<sup>3</sup> Under most circumstances in cases involving a release of a claim pursuant to ORS 656.593(6), the release is presented in writing and "filed" with the Board. ORS 656.593(6)(b). However, the statute does not mandate Board approval of the release. Likewise, the statute does not require Board approval of the stipulation, unless the parties are resolving a "third party" dispute. *See* ORS 656.593(6)(d). Thus, in response to most "stipulations/releases" filed pursuant to ORS 656.593(6), we simply acknowledge our receipt of the parties' agreements.

Here, however, there is a dispute pending before the court concerning the insurer's petition for judicial review of our order regarding the parties' disputes arising from claimant's third party settlements. *See* ORS 656.593(3). Thus, we are authorized to consider and approve the parties' stipulation under ORS 656.593(6). Furthermore, pursuant to ORS 656.298(9)(a), we are authorized to implement any settlement that resolves all or part of a matter during the pendency of a petition for judicial review. Because the release in this case resolves the matter pending before the court, we have exercised our authority under ORS 656.298(9)(a) and have approved the parties' settlement.