
In the Matter of the Compensation of
ROBERTO GALLARDO, Claimant
WCB Case No: 16-00284C
ORDER APPROVING CLAIM DISPOSITION AGREEMENT
Garza Delehant LLC, Claimant Attorneys
SAIF Legal Salem, Defense Attorneys

Reviewing Panel: Members Lanning and Curey.

On February 8, 2016, 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.

The initial proposed CDA provided that out of the total \$1,500 attorney fee, claimant's former attorney would be paid \$750 as a "reasonable fee for services" pursuant to an attorney fee lien. However, the CDA did not provide that the \$750 payment *resolved* the potential attorney fee lien.

Pursuant to OAR 438-015-0022(3), a proposed CDA "shall include a provision resolving the potential attorney fee lien." Relying on the aforementioned rule, the Board notified the parties that the proposed CDA had not stipulated that claimant's former attorney's lien had been "resolved." *See Rafael A. Mejia*, 66 Van Natta 1916 (2014). Consequently, the parties were requested to submit an amended CDA clarifying that claimant's former attorney had agreed that the attorney fee lien had been resolved.

In response, the parties have submitted a letter and email correspondence from claimant's current and former attorneys confirming that they agreed to "split the attorney fee 50/50," and that claimant's former attorney specifically agreed to "accept \$750 as full satisfaction of" the attorney fee lien.

Based on the parties' submission, we conclude that the proposed CDA, as amended, establishes that claimant's former counsel's attorney fee lien has been resolved. *See* OAR 438-015-0022(3). Consequently, the amended 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 February 29, 2016