

In the Matter of the Compensation of
MELANIE L. WHITEAKER, Claimant
WCB Case No. 09-04909
ORDER APPROVING SETTLEMENT
Dodge & Uren LLC, Claimant Attorneys
Andersen & Nyburg, Defense Attorneys

Reviewing Panel: Members Weddell and Lowell.

On April 28, 2011, we issued an order that affirmed an Administrative Law Judge's (ALJ's) order that set aside the insurer's denial of claimant's new/omitted medical condition claim for a left hip condition. The insurer petitioned the court for judicial review of our order. The parties have submitted a proposed "Disputed Claim Settlement" (DCS) designed to resolve all issues raised or raisable between them, in lieu of all prior orders. 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(9)(a); *Rebecca E. Seelye*, 60 Van Natta 332 (2008).

Pursuant to the agreement, claimant understands that the insurer's denial, as supplemented in the agreement, "shall forever remain in full force and effect." The parties further agree that the hearing request "shall be dismissed with prejudice."

We have approved the parties' settlement, thereby fully and finally resolving their dispute, in lieu of all prior orders.¹ Accordingly, this matter is dismissed with prejudice.

IT IS SO ORDERED.

Entered at Salem, Oregon on January 5, 2012

¹ Pursuant to the agreement, claimant agrees to waive her right to "file a claim for civil remedies arising out of the denied claim under ORS 656.019." Our approval of the parties' settlement is limited to matters arising under chapter 656. As such, to the extent, if any, that the parties' settlement purports to address civil matters that exceed chapter 656, our approval would not extend to such matters. *See Claude A. Benson*, 55 Van Natta 3935 (2003).