

In the Matter of the Compensation of  
**MARVIN E. LEWIS, Claimant**  
WCB Case No. 97-05360, 97-05050, 97-00071  
ORDER APPROVING SETTLEMENT  
Philip H Garrow, Claimant Attorneys  
Scheminske et al, Defense Attorneys

Reviewing Panel: Members Lanning, Lowell, and Herman.<sup>1</sup>

On February 8, 2008, we issued a Second Order on Remand that affirmed an Administrative Law Judge's (ALJ's) order that set aside the insurer's "noncooperation" denials. 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' disputes pending before the Hearings Division (WCB Case Nos. 98-06447, 98-06448) and 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).

That portion of the DCS which pertains to the Hearings Division has received Administrative Law Judge (ALJ) approval. Pursuant to those portions of the agreement that pertain to the dispute before the court, claimant understands that the insurer's denials, as supplemented in the agreement, "shall forever remain in full force and effect." The parties further agree that all hearing requests "shall be dismissed with prejudice."

We have approved the parties' settlement, thereby fully and finally resolving their dispute, in lieu of all prior orders.<sup>2</sup> Accordingly, this matter is dismissed with prejudice.

**IT IS SO ORDERED.**

Entered at Salem, Oregon on November 16, 2012

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<sup>1</sup> Member Biehl was on the reviewing panel that issued the Second Order on Remand. Because Member Biehl's term has since expired, Member Lanning has participated in this panel's review of the proposed settlement.

<sup>2</sup> Pursuant to the agreement, claimant agrees to waive his right to bring a "claim, suit or action, of any kind or type whatsoever, pursuant to *Smother's v. Gresham Transfer, Inc.*, 323 Or 83 (2001) and/or 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).