

In the Matter of the Compensation of
DONALD E. BELL, Claimant
WCB Case No. 10-00134
ORDER APPROVING SETTLEMENT
Hooton Wold & Okrent LLP, Claimant Attorneys
Cummins Goodman et al, Defense Attorneys

Reviewing Panel: Members Lowell and Lanning.

On April 26, 2012, we issued an order that affirmed an Administrative Law Judge's order that set aside the self-insured employer's denial of claimant's new/omitted medical condition claim for a right shoulder condition. On April 24, 2013, we issued an order that denied reconsideration. The employer petitioned the court for judicial review of our orders.

The parties have submitted a proposed settlement that is designed to resolve all issues raised or raisable between them. Specifically, the agreement is designed to resolve the parties' dispute pending before the Hearings Division concerning the employer's denial of a new/omitted medical condition claim for a right shoulder type II SLAP tear (WCB Case No. 13-00850S), and before the Court of Appeals regarding the previously mentioned issues in this case (WCB Case No. 10-00134). We are authorized to consider the parties' agreement. ORS 656.298; *Rebecca E. Seelye*, 60 Van Natta 332 (2008).

That portion of the agreement which pertains to the Hearings Division has received Administrative Law Judge (ALJ) approval. Pursuant to those portions of the agreement that pertain to this case, the employer agrees to withdraw its November 2009 denial of a type IX SLAP tear (the denied claim at issue in this case). The agreement further provides that it is in "lieu of and shall supersede any and all prior orders" and that claimant's hearing request shall be "dismissed with prejudice."

By this order, we approve those portions of the parties' agreement that pertain to this case, thereby fully and finally resolving their dispute, in lieu of all prior orders. Accordingly, these matters are dismissed with prejudice.

IT IS SO ORDERED.

Entered at Salem, Oregon on December 13, 2013