
In the Matter of the Compensation of
ROGELIO E. ESCALERA-MORENO, Claimant
WCB Case No: 16-00038C
ORDER APPROVING CLAIM DISPOSITION AGREEMENT
Schoenfeld & Schoenfeld, Claimant Attorneys
Kenneth R Scarce, Defense Attorneys

Reviewing Panel: Members Lanning and Curey.

On January 7, 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 first page of the proposed CDA provides that the amount due claimant is \$3,375 and the amount due his attorney is \$1,125, which equals a total consideration of \$4,500. Page 3 of the CDA also provides that claimant's attorney shall receive a fee of \$1,125. Yet, Page 2 of the CDA provides that the consideration for the CDA is \$9,000.

After comparing these inconsistent provisions, we have relied on the summary page. *See Barbara J. Eddy*, 65 Van Natta 811 (2013). Accordingly, we interpret the agreement as providing for total consideration of \$4,500, with \$3,375 payable to claimant and \$1,125 payable as an attorney fee.¹

The 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 January 15, 2016

¹ \$1,125 is an allowable attorney fee, in the absence of extraordinary circumstances, for a CDA with proceeds of \$4,500. OAR 438-015-0052(1). Additionally, the parties have also submitted a Disputed Claim Settlement (DCS) that provides for total proceeds of \$4,500. Thus, it appears that \$9,000 represents the total consideration for both agreements, which is divided equally between the CDA and DCS.