
In the Matter of the Compensation of
JEFFREY W. SWANSON, Claimant
WCB Case No: 16-00283C
ORDER APPROVING CLAIM DISPOSITION AGREEMENT
Glen J Lasken, 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 "summary page" of the CDA provides that claimant shall receive \$2,225 and his attorney shall receive \$775, which would equal a total consideration of \$3,000. Yet, Page 4 of the agreement provides that out of the total consideration of \$3,000, claimant shall receive \$2,250 and his attorney shall receive \$750.

In interpreting a CDA, we generally rely on the more specific provisions in the body of the CDA, rather than the more general provisions of the "summary page" of the CDA. *See Penny R. Doty*, 61 Van Natta 2704 (2009) (relying on the specific provisions regarding the amount of CDA consideration). Thus, we consider the reference on the summary page to \$775 payable to claimant's attorney to be a clerical error.¹

Under such circumstances, we conclude that the total CDA proceeds are to be distributed as follows:

\$ 750 Total Due Attorney
\$2,250 Total Due Claimant
\$3,000 Total Consideration

¹ An attorney fee of \$750, out of a total consideration of \$3,000, would be in accordance with the Board's rules. *See* OAR 438-015-0052(1). Conversely, in the absence of extraordinary circumstances, an attorney fee of \$775 from \$3,000 in CDA proceeds would exceed the Board's rules. *Id.*

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 February 18, 2016