
In the Matter of the Compensation of
WCB Case No: 16-00503C
JAMES R. CYGANNEK, Claimant
ORDER APPROVING CLAIM DISPOSITION AGREEMENT
Welch Bruun & Green, Claimant Attorneys
Reinisch Wilson Weier, Defense Attorneys

Reviewing Panel: Members Lanning and Curey.

On March 2, 2016, the Board received the parties' claim disposition agreement (CDA) in the above-captioned matter. Pursuant to that agreement, in consideration of the payment of a stated sum, claimant releases certain rights to future workers' compensation benefits, except medical services, for his compensable injury. We approve the proposed disposition.

The CDA provides that the carrier "herewith amends the Notice of Acceptance of February 1, 2013 to include 'disabling S1 radiculitis.'"

We have held that it is impermissible for a CDA to accomplish claim processing functions or resolve compensability disputes. *See Salvador Preciado*, 48 Van Natta 1559 (1996); *Kenneth R. Free*, 47 Van Natta 1537 (1995); *Debbie K. Ziebert*, 44 Van Natta 51 (1992). Instead, the function of a CDA is to dispose of "matters regarding a claim, except for medical services," as the claim exists at the time the Board received the CDA. *See* ORS 656.236(1).

Here, however, we do not interpret the CDA as attempting to accomplish claim processing functions or to resolve a compensability dispute. Instead, we consider the aforementioned language to identify the accepted conditions that are the subject of the disposition.¹ *See* OAR 438-009-0022(4)(a) (requiring a CDA to identify the accepted conditions).

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.

¹ Thus, this CDA does not relieve the carrier of its claim processing responsibilities, including, if necessary, the issuance of an Amended Notice of Acceptance specifying what conditions are compensable. *See* ORS 656.262(6)(b)(A), (F).

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 March 14, 2016