
In the Matter of the Compensation of
JAMES N. MCMURRAY, Claimant
WCB Case No: 16-00757C
ORDER APPROVING CLAIM DISPOSITION AGREEMENT
Jon C Correll, Claimant Attorneys
Law offices of Kathryn R Morton, Defense Attorneys

Reviewing Panel: Members Johnson and Lanning.

On March 28, 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 agreement provides that the amount due claimant is \$325 and the amount due his attorney is \$125, for a total of "\$500." Yet, such figures would equal a total consideration of "\$450." In addition, Page 2 of the agreement recites that the "total compensation" is \$500 and Page 3 states that claimant's attorney will receive an attorney fee "out of the above consideration" in the amount of \$125.¹

After reviewing the summary page and the body of the document, we conclude that the reference on the "summary page" to the amount due claimant as "\$325" is a typographical error. Instead, we find that the parties' intent is for the disposition proceeds to be distributed as follows:

\$125 Total Due Attorney
\$375 Total Due Claimant
\$500 Total Consideration

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 An attorney fee of \$125 is consistent with the Board's attorney fee rules for a CDA totaling \$500 in the absence of extraordinary circumstances. *See* OAR 438-015-0052(1).

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 April 13, 2016