
In the Matter of the Compensation of
ZOE E. FIDLER, Claimant
WCB Case No: 16-02335C
ORDER APPROVING CLAIM DISPOSITION AGREEMENT
Cary et al, Claimant Attorneys
Sather Byerly & Holloway, Defense Attorneys

Reviewing Panel: Members Curey and Lanning.

On September 26, 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 her compensable injury. We approve the proposed disposition.

The first page ("summary page") of the proposed CDA provides that the total amount due claimant is \$1,031.25, and the total due her attorney is \$343.75, for a total consideration of \$1,375. However, page 3, paragraph 12 of the agreement recites that the total "consideration" is \$1,031.25. Furthermore, page 3, paragraph 13 provides for an attorney fee of \$343.75, consistent with the "summary page."

On review of the document as a whole, we conclude that the reference on page 3, paragraph 12 to a total consideration of "\$1,031.25" is a typographical error. Instead, based on the "summary page," we interpret the agreement as providing for a total consideration of \$1,375, with \$1,031.25 payable to claimant and \$343.75 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 October 4, 2016

¹ A \$343.75 attorney fee from CDA proceeds totaling \$1,375 is consistent with the Board's rule regarding attorney fees from CDA proceeds. *See* OAR 438-015-0052(1).