

In the Matter of the Compensation of
BRADLEY R. MADRID, Claimant
WCB Case No. 13-06383
ORDER APPROVING SETTLEMENT
Hooton Wold & Okrent LLP, Claimant Attorneys
Sather Byerly & Holloway, Defense Attorneys

Reviewing Panel: Members Weddell and Curey.

On December 30, 2015, we issued an order that affirmed an Administrative Law Judge's (ALJ's) order that: (1) found that a final, unappealed Notice of Closure had awarded temporary partial disability benefits at a rate of zero for a specified period; (2) declined to award additional temporary disability benefits; (3) declined to award penalties and attorney fees for allegedly unreasonable claim processing; and (4) set aside the self-insured employer's "ceases" denial of claimant's combined low back condition. The insurer petitioned, and claimant cross-petitioned, the court for judicial review of that order.

The parties have now submitted a proposed "Disputed Claim Settlement Agreement" (DCS) designed to resolve all issues raised or raisable between them, in lieu of all prior orders. Specifically, the agreement is designed to resolve the parties' dispute pending before the Court of Appeals. We are authorized to consider the parties' DCS. ORS 656.298; *Rebecca E. Seelye*, 60 Van Natta 332 (2008).

The parties have also submitted a proposed Claim Disposition Agreement (CDA), in which claimant fully releases his rights to all "non-medical service-related" benefits (including temporary disability, penalties, and related attorney fees) under his November 2012 claim. The CDA provides that, on its approval, "the following requests for hearing/review/appeal shall be dismissed: WCB No. 13-06383; CA No. A161335."

Pursuant to the DCS, the parties agree that the employer's denial, as supplemented by the agreement, "shall forever remain in full force and effect." The agreement further provides that the "Request for Hearing thereon shall be dismissed with prejudice as to all issues raised between the parties."

By this order, we have approved the parties' DCS, thereby fully and finally resolving this compensability dispute, in lieu of all prior orders. Furthermore, in accordance with the approved CDA, the remaining issues in this pending appeal have been rendered moot. Accordingly, this matter is dismissed with prejudice.

IT IS SO ORDERED.

Entered at Salem, Oregon on July 22, 2016