
In the Matter of the Compensation of
TROY L. FENNELL, Claimant
WCB Case No. 14-00783
ORDER APPROVING SETTLEMENT
Scott H Terrall & Associates, Claimant Attorneys
Gress & Clark LLC, Defense Attorneys

Reviewing Panel: Members Curey and Lanning.

On October 27, 2015, we issued an order that affirmed an Administrative Law Judge's (ALJ's) order that: (1) upheld the self-insured employer's denial of claimant's current combined low back condition; and (2) declined to award penalties and attorney fees for an allegedly unreasonable denial. Claimant petitioned the court for judicial review of that order. The parties have submitted a proposed "Disputed Claim Settlement Agreement" (DCS) that is designed to resolve all issues raised or raisable between them. Specifically, the agreement is designed to resolve the parties' disputes pending before the Hearings Division (WCB Case No. 15-00574), and before the Court of Appeals. We are authorized to consider the parties' DCS. ORS 656.298(9)(a); *Rebecca E. Seelye*, 60 Van Natta 332 (2008).

Those portions of the agreement that pertain to the Hearings Division have received ALJ approval.¹ Pursuant to the DCS, the parties agree that the employer's "ceases' denial that denied the compensability of claimant's current need for medical treatment" shall stand. The settlement further provides that claimant's "request for review at the Court of Appeals shall be dismissed with prejudice and the Order on Review and Opinion and Order, as described in this [DCS], shall be affirmed as issued."

By this order, we approve that portion of the parties' DCS that pertains to this case, thereby fully and finally resolving their dispute. Accordingly, this matter is dismissed with prejudice.

IT IS SO ORDERED.

Entered at Salem, Oregon on November 23, 2016

¹ This date, we have also approved a Claim Disposition Agreement (CDA) in which claimant fully releases his rights to all "non-medical-service-related" benefits under his June 2013 claim.