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In the Matter of the Compensation of  
WCB Case No. 15-04404  
**BERNELL A. TORREGANO**, Claimant  
ORDER ON REVIEW (REMANDING)  
Claimant, Unrepresented  
SAIF Legal, Defense Attorneys

Reviewing Panel: Members Weddell and Curey.

Claimant, *pro se*,<sup>1</sup> requests review of Administrative Law Judge (ALJ) Mills's order that approved a Disputed Claim Settlement (DCS). On review, the issue is the propriety of the DCS. We remand.

We have discretionary authority to remand when, in our judgment, we find the record concerning a party's objection to an approved DCS to be improperly, incompletely or otherwise insufficiently developed. ORS 656.295(5); *Kimberly Coven*, 66 Van Natta 171 (2014).

Here, the ALJ approved the parties' DCS on December 10, 2015. Within 30 days of the ALJ's approval order, claimant requested Board review of that order. Notwithstanding claimant's request, no record exists on which to determine the circumstances surrounding the execution of the parties' settlement. Thus, the record is insufficiently developed to resolve the issue arising from claimant's request for review, which apparently concerns her objections to the ALJ's approval of the DCS.

Under these circumstances, we conclude that remand is warranted. *See Coven*, 66 Van Natta at 171 (remanding an appealed order approving a DCS for development of a record from which to determine the circumstances surrounding execution of the parties' settlement); *Deborah Kolb-Witt*, 62 Van Natta 2107 (2010) (same).

Accordingly, this matter is remanded to ALJ Mills with instructions to conduct further proceedings designed to develop this record.<sup>2</sup> Those proceedings

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<sup>1</sup> Because claimant is unrepresented, he may wish to consult the Ombudsman for Injured Workers. He may contact the Ombudsman, free of charge, at 1-800-927-1271, or write to:

DEPT OF CONSUMER & BUSINESS SERVICES  
OMBUDSMAN FOR INJURED WORKERS  
PO BOX 14480  
SALEM OR 97309-0405

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shall be conducted in a manner that achieves substantial justice. After closing the record and considering the parties' submissions and arguments, the ALJ shall issue a final, appealable order.

**IT IS SO ORDERED.**

Entered at Salem, Oregon on March 15, 2016

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<sup>2</sup> In remanding this case to the ALJ, we are not vacating the DCS. We are, instead, allowing the ALJ to develop a record and rule on the validity of the DCS. *See Dorothy J. Carnes*, 59 Van Natta 1928 (2007) (a DCS will be set aside for a showing of extraordinary circumstances--must have evidence of misrepresentation, fraud or other illegal activity); *Floyd D. Gatchell*, 48 Van Natta 467 (1996) (to rescind a DCS, the claimant must establish extraordinary circumstances justifying that action); *Mary Lou Claypool*, 34 Van Natta 943, 946 (1982) (the grounds for setting aside a DCS are mistake, inadvertence, surprise, excusable neglect, fraud, misrepresentation or other misconduct of an adverse party).