
In the Matter of the Compensation of
LEAH M RECOR, Claimant
WCB Case No. 16-02233
ORDER APPROVING SETTLEMENT
Ernest M Jenks, Claimant Attorneys
Gress & Clark LLC, Defense Attorneys

Reviewing Panel: Members Ousey and Johnson.¹

On March 21, 2017, we issued an order that affirmed an Administrative Law Judge's (ALJ's) order that declined to award an attorney fee under ORS 656.262(11)(a) for a discovery violation. Claimant petitioned for judicial review of our order. The parties have submitted a Claim Disposition Agreement (CDA) in which claimant fully releases all "non-medical service-related" rights (including penalties and attorney fees) concerning her September 2015 claim. We have approved that CDA.

Under such circumstances, the discovery-related attorney fee issue has been rendered moot. Accordingly, consistent with our authority under ORS 656.298(9)(a),² this matter is dismissed.

We have approved the CDA. As a result of our CDA approval, the issues pending in this case have been rendered moot. Accordingly, this matter is dismissed.

IT IS SO ORDERED.

Entered at Salem, Oregon on August 25, 2017

¹ Members Weddell and Johnson were members of the reviewing panel that issued the Order on Review that is pending judicial review. Because Member Weddell's term has expired, Member Ousey has participated in the approval of this settlement.

² Pursuant to ORS 656.298(9)(a), we are authorized to enter any orders that may be necessary to implement a settlement of all or any part of the matter during the pendency of a petition for judicial review.