
In the Matter of the Compensation of
STEVE E. GARNER, Claimant
WCB Case No. 15-03166
ORDER APPROVING SETTLEMENT
Law offices of James T Guinn, Claimant Attorneys
Sather Byerly & Holloway, Defense Attorneys

Reviewing Panel: Members Lanning and Johnson.

On August 17, 2017, we issued an order that affirmed an Administrative Law Judge's (ALJ's) order that: (1) set aside the self-insured employer's denial of claimant's new/omitted medical condition claim for a sacroiliac joint condition; (2) set aside the employer's denial of claimant's current combined low back condition; and (3) awarded a \$19,000 employer-paid attorney fee. The employer petitioned the court for judicial review of our order. The parties have submitted a proposed "Disputed Claim Settlement" (DCS), which is designed to resolve the parties' dispute pending before the Court of Appeals, in lieu of all prior orders. We are authorized to consider the parties' DCS. ORS 656.298(9)(a); *Rebecca E. Seelye*, 60 Van Natta 332 (2008).

Pursuant to the settlement, claimant agrees that the employer's denials, as supplemented by the agreement, "shall forever remain in full force and effect." The settlement further provides that the Request for Hearing "shall be dismissed with prejudice."

By this order, we approve the parties' agreement, thereby fully and finally resolving their dispute, in lieu of all prior orders.¹ Accordingly, this matter is dismissed with prejudice.²

IT IS SO ORDERED.

Entered at Salem, Oregon on December 19, 2017

¹ We note that the settlement provides that, as of the date of the agreement, the employer had unpaid medical bills in its possession that it agreed to pay at "the audited amount * * * in addition to the settlement amount." Because the settlement explains that the bills are being paid as additional consideration (up to the audited amount) *separate* from the DCS, the requirements of OAR 438-009-0010(2)(g) regarding the listing of medical service providers, amounts, and compliance with the reimbursement formula prescribed in ORS 656.313(4)(d), are not applicable. *See Jodi G. Palmer*, 47 Van Natta 1925 (1995).

² The parties have also submitted a Claim Disposition Agreement (CDA), in which claimant releases his rights to all "non-medical-service-related" benefits for his April 2015 claim. The CDA further provides that, on its approval, the "requests for hearing/review shall be dismissed," including the pending matter. We have approved that CDA. (WCB Case No. 17-02972C.)