

In the Matter of the Compensation of  
**CARL D. BOULDEN, Claimant**  
WCB Case No. 15-02539, 15-00926  
**ORDER APPROVING SETTLEMENT**  
Bennett Hartman Morris & Kaplan, Claimant Attorneys  
Cummins Goodman et al, Defense Attorneys

Reviewing Panel: Members Johnson and Lanning.

On October 3, 2016, we issued an order that affirmed an Administrative Law Judge's (ALJ's) order that set aside the insurer's denial of claimant's occupational disease claim for follicular lymphoma (non-Hodgkin's lymphoma). The insurer 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, the parties agree that all issues raised or raisable related to the denied and disputed claim "are hereby resolved in their entirety." The agreement further provides that the insurer's denial "shall be affirmed in its entirety." Finally, the parties stipulate that the "Request for Hearing shall be dismissed with prejudice."

We have approved the parties' settlement, thereby fully and finally resolving their disputed issues, in lieu of all prior orders.<sup>1</sup> Accordingly, this matter is dismissed with prejudice.

**IT IS SO ORDERED.**

Entered at Salem, Oregon on March 14, 2017

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<sup>1</sup> A provision in the settlement states that a portion of claimant's share of the proceeds shall be distributed in satisfaction of the private health insurer's lien. Inasmuch as the parties' compensability dispute is being resolved by means of a DCS, only medical service providers may be directly reimbursed from the settlement proceeds. ORS 656.313(4)(c). (Health insurance providers may be directly reimbursed by the workers' compensation carrier if "the services are determined to be compensable." ORS 656.313(4)(b).) Nonetheless, because proceeds from a DCS are not considered "compensation," a claimant's assignment of all or a portion of his share of the proceeds is not prohibited by ORS 656.234. *Wanda D. Gangle*, 55 Van Natta 3655 (2003); *Robert D. Surina*, 40 Van Natta 1955 (1988).

Therefore, in granting our approval of the settlement, we have interpreted the agreement as providing that claimant has assigned a portion of his share of the settlement proceeds in satisfaction of the nonworkers' compensation carrier's lien. For the reasons previously expressed, such an assignment is not statutorily prohibited.