

In the Matter of the Compensation of  
**KIMBERLY STRADER, Claimant**  
WCB Case No. 15-00747  
ORDER APPROVING SETTLEMENT  
Julene M Quinn LLC, Claimant Attorneys  
Reinisch Wilson Weier, Defense Attorneys

Reviewing Panel: Members Curey and Ousey.<sup>1</sup>

On March 10, 2017, the Board reversed an Administrative Law Judge's (ALJ's) order that had upheld the self-insured employer's denial of claimant's injury claim for a low back condition.<sup>2</sup> The employer petitioned the court for judicial review.

The parties have submitted a proposed "Disputed Claim Settlement" (DCS), which is designed to resolve their 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 denial, as supplemented by the agreement, "shall remain in full force and effect." The settlement further provides that claimant's hearing request "shall be dismissed with prejudice."

We have approved the parties' settlement, thereby fully and finally resolving their dispute, in lieu of all prior orders.<sup>3</sup> Accordingly, this matter is dismissed with prejudice.

**IT IS SO ORDERED.**

Entered at Salem, Oregon on July 6, 2018

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<sup>1</sup> Members Weddell and Somers were also members of the initial reviewing panel. Because they are no longer Members, Member Ousey has participated in this review.

<sup>2</sup> On April 7, 2017, the Board denied reconsideration of its March 10 decision.

<sup>3</sup> A provision in the settlement proposes to distribute a portion of claimant's share of the proceeds to a health insurer. 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," claimant's assignment of a portion of her share of the settlement proceeds is not prohibited by ORS 656.234. *Wanda D. Gangle*, 55 Van Natta 3655 (2000). Therefore, in granting our approval of the settlement, we have interpreted the agreement as providing that, after receiving her share of the settlement proceeds, claimant has assigned a portion of her share to the non-workers' compensation carrier. Based on the *Gangle* rationale, such an assignment is not prohibited.