
In the Matter of the Compensation of
ROBERT P. KRISE, JR., Claimant
WCB Case No. 01-01810
ORDER ON REMAND
Schneider et al, Claimant Attorneys
Julie Masters, SAIF Legal, Defense Attorneys

Reviewing Panel: Members Lowell and Phillips Polich.

This matter is before the Board on remand from the Court of Appeals. On October 30, 2002, the court remanded this case for consideration of the parties' proposed settlement. In dismissing the SAIF Corporation's petition for judicial review, the court also granted "leave to seek reinstatement [of judicial review] if the Board should fail to approve the settlement."

On January 8, 2003, SAIF moved for an order disapproving the parties' settlement, stating that claimant's counsel had informed it that the settlement would not be executed as agreed. On January 13, 2003, the Board granted claimant an opportunity to respond to SAIF's motion. Claimant has confirmed that the proposed settlement has "fallen through" and that SAIF may reinstate the case with the court. Having received the parties' respective positions, we proceed with our review of this matter.

Pursuant to the court's remand order, our authority is limited to consideration of the parties' proposed settlement. Furthermore, in the event that Board approval of the settlement is not granted, the court has expressly provided the parties with a remedy. Specifically, leave to seek reinstatement of the petition for judicial review has been offered to the parties.

Under such circumstances, and in accordance with the court's October 30, 2002 order, the parties are authorized to seek reinstatement of the judicial review which was previously pending before the court. Since the court neither reversed nor vacated our prior order, it is unnecessary to republish our previous decision. In other words, our prior order stands as previously issued.

IT IS SO ORDERED.

Entered at Salem, Oregon on January 29, 2003