

CHANGES TO “DCS/STIPULATION” PROCEDURES

On June 22, 2004, the Board adopted amendments to its administrative rules regarding the submission and approval of disputed claim settlements (DCSs) and stipulations. OAR 438-009-0001, 438-009-0010; 438-009-0015. These amendments become effective September 1, 2004 and apply to all DCSs and stipulations filed on and after that date.

Parties and practitioners are encouraged to review their procedures to accommodate these upcoming changes because these rules will affect how such agreements are processed. To assist in this transition, the following observations and suggestions are offered.

To begin, effective September 1, 2004, only an original and one copy of the DCS/stipulation must be filed. This change will result in significant savings for both copying and postage costs.

The DCS/stipulation will no longer be signed by the ALJ and/or Board Members. Instead, an order approving the agreement will be issued by the appropriate official(s). Only the order will be mailed to the parties and their legal representatives.

As a result of these September 1, 2004 changes, a DCS/stipulation should no longer include signature lines for an ALJ and/or Board Members.

Furthermore, if a party/practitioner amends a DCS/stipulation by handwritten interlineation, when the final modified document is sent to the ALJ/Board, the sending party/practitioner should forward copies to the other party/practitioner. Such action is advisable because the ALJ/Board will be mailing to the parties/practitioners *only* a copy of the *order* approving the agreement and NOT the agreement itself.

Because all parties/practitioners should already have a copy of the DCS/stipulation that was filed for ALJ or Board approval, it should be unnecessary to request a copy of the agreement that was filed. Nevertheless, if a copy is needed, the request must be directed to the Workers' Compensation *Division*, which serves as the repository for such documents. The *Division* can be reached at (503)947-7719.

For those parties/practitioners who occasionally hand-deliver DCSs/stipulations to the Hearings Division for immediate ALJ approval, these processing changes will preclude the immediate receipt of an approval order. Nevertheless, when requested, WCB staff can fax a copy of the approval order to the carrier's office once the DCS/stipulation is processed.

In conclusion, as the September 1, 2004 effective date for these changes approaches, parties/practitioners are encouraged to review their respective processing systems for DCSs/stipulations.