

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 21 November 2006

Case No.: 2006-LDA-00087

OWCP No.: 02-142547

In the Matter of:

J.P.,

Claimant,

v.

IAP WORLDWIDE,

Employer,

and

ACE AMERICAN INSURANCE,

Carrier,

and

**DISTRICT DIRECTOR, OWCP,
U.S. DEPARTMENT OF LABOR,**

Party-in-Interest.

DECISION AND ORDER APPROVING SETTLEMENT

This matter arises out of a claim for benefits under the Longshore and Harbor Workers' Compensation Act, as amended, 33 U.S.C. § 901 *et seq.* (the Act), and as extended by the Defense Base Act, 42 U.S.C. § 1651, *et seq.* The undersigned Administrative Law Judge, pursuant to the provisions of Section 8(i) of the Act, having considered the foregoing stipulation and agreed settlement, together with the entire contents of the administrative file, makes the following findings and order:

FINDINGS OF FACT¹

1. The agreed settlement is adequate and was not procured by duress.
2. The facts stipulated by the parties are accepted and are hereby incorporated by reference.

DECISION

1. Settlement in the amount set forth in the stipulation is hereby approved, and the parties are directed to carry out the requirements of the settlement.
2. The Employer/Carrier is directed to pay to the Claimant, J.P., the lump-sum amount of \$50,000.00 for compensation as allocated and apportioned in the stipulation.
3. Attorney's fees and expenses not to exceed the amount of \$6,000.00 in favor of the Claimant's counsel, Mark Schaffer, are hereby approved as appropriate, taking into consideration the complexity of the issues, the skill with which the case was handled, and the amount recovered. Such fees are to be deducted from the settlement amount and paid to Claimant's counsel, as allocated and apportioned in the stipulation.
4. The liability of the Employer/Carrier for all further payments of compensation and medical expenses as a result of the Claimant's occupational injury is discharged upon payment of the agreed upon sum.

ORDER

Upon review of the record and the terms of the settlement agreement, it is determined that the terms of the parties' settlement agreement are fair and reasonable. The parties' settlement agreement is, therefore, **APPROVED**. Considering the foregoing findings of fact, it is hereby **ORDERED** that the Employer/Carrier shall forthwith pay all amounts in accordance with the provisions of this agreed settlement, and liability of the Employer/Carrier for all further compensation, medical expenses, and attorney fees to the Claimant and his counsel with respect to the above referenced claims is terminated and discharged upon payment of the agreed upon sum. **SO ORDERED.**

A

John M. Vittone
Chief Administrative Law Judge

¹ Although the District Director is not a signatory to the Settlement Agreement, there is no apparent issue concerning entitlement to section 8(f) relief. Moreover, section 8(i)(4) of the Act provides that when the parties to a claim for compensation agree to a settlement, "[t]he special fund shall not be liable for reimbursement of any sums paid or payable to an employee or any beneficiary under such settlement."