



Issue Date: 26 October 2012

CASE NO.: 2012-LDA-00669; 2012-LDA-00670
OWCP NO.: 02-206883; 02-206658

In the Matter of:

THOMAS LEINDECKER,
Claimant,

v.

AEGIS DEFENSE SERVICE,
Employer,

and

CONTINENTAL INSURANCE COMPANY,
Carrier.

DECISION AND ORDER APPROVING SETTLEMENT

On August 21, 2012, the parties in the above-captioned matter submitted a settlement agreement for review and approval pursuant to Section 8(i)(1) of the Longshore and Harbor Workers' Compensation Act (the "Act"). On September 10, 2012, I issued a Notice of Deficiency identifying several deficiencies in the submitted settlement application. Thereafter, on October 9, 2012, the parties submitted and amended Agreed Settlement Pursuant to the Defense Base Act And 33 U.S.C. § 908(i).¹

Upon consideration of the totality of the record including the parties' stipulations, I find that the proposed revised settlement is adequate and not procured by duress. 20 C.F.R. § 702.243(f). Claimant is represented by an attorney, Clifford R. Mermell, who has filed an application for attorney's fees and expenses to which the parties have agreed as part of their settlement. I find that the fee application complies with the requirements of 20 C.F.R. §

¹ While the parties did not submit a current medical report with the revised settlement application, 20 C.F.R. § 702.242(b)(5), the settlement application submitted on August 21, 2012 contained voluminous medical records, and I will deem these records to be incorporated into the new settlement application.

702.132(a) and that the fees and costs requested are reasonably commensurate with the necessary work done, taking into account the quality of representation, the complexity of the legal issues involved and the amount of benefits obtained.

Accordingly, it is hereby ORDERED:

1. Settlement in the amount set forth in the settlement agreement is approved, and the parties are directed to carry out the terms of the settlement;
2. Employer shall pay Claimant the total amount of \$380,000.00 in a lump sum;
3. Out of the lump sum of \$70,000.00, Claimant shall pay his attorney, Clifford R. Mermell, in full satisfaction of his fees and costs expended while representing Claimant in this matter;
4. Upon payment of the amounts set forth in paragraphs 2 and 3 above, Employer shall be discharged from liability for all past, present, and future workers' compensation benefits and medical expenses related to Claimant's injuries of July 27, 2010 and August 26, 2010; and
5. Upon payment of the amount set forth in paragraphs 2 and 3 above, the file of OWCP Nos. 02-206883 and 02-206658 shall be closed, subject to the limitations of the Act.

SO ORDERED.

PAUL C. JOHNSON, JR.
Associate Chief Administrative Law Judge