

JAN 20 2004

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JAN 22 2004

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

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THE WORKERS' COMPENSATION COURT IN THE STATE OF MONTANA

DEBRA STAVENJORD,

Petitioner,

v.

MONTANA STATE FUND,

Respondent/Insurer.

WCC No. 2000-0207

**STIPULATION REGARDING
PROSPECTIVE CLAIMS**

COME NOW the parties, by and through counsel, and hereby stipulate as to the dates to use for prospectively implementing *Stavenjord v. Montana State Fund*, WCC No. 2000-0207 and *Stavenjord v. Montana State Fund*, 2003 MT 67, 314 Mont. 466, 67 P.3d 229. For prospective implementation purposes, the parties stipulate and agree that a claimant's entitlement date shall be the date a claimant's occupational disease is first diagnosed as work-related. Therefore, all claims arising out of occupational diseases which were first diagnosed as work-related on or after May 22, 2001, the date of the Workers' Compensation Court's decision in this matter, are considered prospective claims. Common fund fees are not payable on prospective claims.

Dated this 19 day of January, 2004.

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Dated this 20 day of January, 2004.

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JAN 23 2004

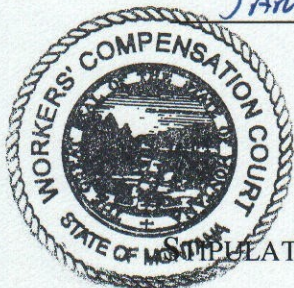
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APPROVED as to form and content and SO ORDERED on this 23rd day of January, 2004.



Mike McCarter
Hon. Mike McCarter
Workers' Compensation Judge

PLEADINGS REGARDING PROSPECTIVE CLAIMS

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