

COURT OF APPEALS OF VIRGINIA

Present: Judges Humphreys, Beales and Retired Judge Fitzpatrick*

EBRAHIM RADBOD

v. Record No. 0391-08-4

COUNTY OF ARLINGTON AND
SCHAFFER COMPANIES, LTD.

MEMORANDUM OPINION**
PER CURIAM
JULY 8, 2008

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Augustus S. Anderson; Lieding & Anderson, P.C., on brief), for
appellant.

(Joseph C. Veith, III; Trichilo, Bancroft, McGavin, Horvath &
Judkins, P.C., on brief), for appellees.

Ebrahim Radbod (claimant) appeals a decision of the Workers' Compensation Commission finding that County of Arlington (employer) sustained its burden of proving claimant committed willful misconduct, which barred his claim. We have reviewed the record and the commission's opinion and find that this appeal is without merit. Accordingly, we affirm for the reasons stated by the commission in its final opinion. See Radbod v. Arlington (County of), VWC File No. 228-96-06 (Jan. 15, 2008). We dispense with oral argument and summarily affirm because the facts and legal contentions are adequately presented in the materials before

* Judge Fitzpatrick took part in the consideration of this case prior to the effective date of her retirement as senior judge on July 1, 2008 and thereafter by designation pursuant to Code § 17.1-400(D).

** Pursuant to Code § 17.1-413, this opinion is not designated for publication.

the Court and argument would not aid the decisional process. See Code § 17.1-403; Rule 5A:27.¹

Affirmed.

¹ The sole basis for the commission's affirmance of the deputy commissioner's opinion was its finding that claimant was guilty of willful misconduct, which barred his claim. Thus, it was not necessary for the commission to determine whether claimant proved he sustained a structural or mechanical change as a result of the accident and it did not do so. Accordingly, we find no merit in the argument made by employer in its Motion for Summary Affirmance.