

COURT OF APPEALS OF VIRGINIA

Present: Judges Humphreys, O'Brien and Senior Judge Bumgardner

ROSA CRUZ-GONZALEZ

v. Record No. 0016-15-2

STAR VALLEY PAINTING CONTRACTORS AND
TWIN CITY FIRE INSURANCE COMPANY/
THE HARTFORD

MEMORANDUM OPINION*
PER CURIAM
JUNE 9, 2015

RUFINO CRUZ CORTES

v. Record No. 0017-15-2

STAR VALLEY PAINTING CONTRACTORS AND
TWIN CITY FIRE INSURANCE COMPANY/
THE HARTFORD

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(E. Wayne Powell; Powell Law Group, P.C., on brief), for
appellants.

(John S. Honeycutt; Penn, Stuart & Eskridge, on brief), for
appellees.

Rosa Cruz-Gonzalez and Rufino Cruz Cortes (claimants) appeal a decision of the Workers' Compensation Commission finding their claims for workers' compensation benefits are barred by the settlements of their third-party suits without the knowledge and consent of Star Valley Painting Contractors and Twin City Fire Insurance Company/The Hartford (collectively appellees). On appeal, claimants contend the commission erred in: (1) finding appellees carried their burden of proving their lack of knowledge and lack of consent to the settlement and prejudice to their lien; (2) denying claimants' "Motion for Show Cause and to Exclude

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

Evidence” based on the failure of Star Valley Painting Contractors (Star Valley) to appear or to provide materials in response to subpoenas; (3) finding there was prejudice to Twin City Fire Insurance Company (Twin City) “when there was a pending settlement of one of two third-party claims of which [appellees] had knowledge, so that the issue of prejudice was not ripe for determination;” (4) finding there was prejudice to Twin City when Twin City “did not accept its status as [Star Valley]’s carrier, and in fact contested both its responsibility to [Star Valley], and the compensability of the claims so that the issue of prejudice was not ripe for determination;” and (5) “allowing counsel to argue that The Hartford was prejudiced when Twin City had been declared the proper carrier, and there [was] no evidence of the corporate or insurance relationship between . . . The Hartford and Twin City, so that The Hartford did not have standing in the case.”

We have reviewed the record and the commission’s opinion and find that these appeals are without merit. Accordingly, we affirm for the reasons stated by the commission in its final opinion. See Cortes v. Star Valley Painting Contractors, VWC File No. VA02000012553 (Dec. 8, 2014); Cruz-Gonzalez v. Star Valley Painting Contractors, VWC File No. VA02000012555 (Dec. 8, 2014). We dispense with oral argument and summarily affirm because the facts and legal contentions are adequately presented in the materials before the Court and argument would not aid the decisional process. See Code § 17.1-403; Rule 5A:27.

Affirmed.