

COURT OF APPEALS OF VIRGINIA

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

THE TJX COMPANIES, INC./MARSHALL'S AND
AMERICAN ZURICH INSURANCE COMPANY

v. Record No. 1080-16-2

BYRON HOWCOTT, PRO TOUCH SERVICE AND
UNINSURED EMPLOYER'S FUND

MEMORANDUM OPINION*
PER CURIAM
OCTOBER 11, 2016

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Kevin W. Cloe; Ian A. Spreat; Midkiff, Muncie & Ross, P.C., on
briefs), for appellants.

(Brooke T. Alexander; Reid Goodwin, PLC, on brief), for appellee Byron
Howcott.

(Robert A. Rapaport; Marilyn N. Harvey; Clarke, Dolph, Rapaport, Hull &
Brunick, PLC, on brief), for appellee Uninsured Employer's Fund.

No brief for appellee Pro Touch Service.

The TJX Companies, Inc./Marshall's and its insurer (collectively "employer") appeal a June 9, 2016 decision of the Workers' Compensation Commission. The Commission affirmed a deputy commissioner's opinion finding employer was liable to Byron Howcott (claimant) for his workers' compensation benefits. On appeal, employer contends the Commission erred by finding employer was claimant's statutory employer.

Upon reviewing the record and briefs, we conclude that this appeal is without merit. Accordingly, we summarily affirm the Commission's decision. Rule 5A:27. We affirm for the reasons stated by the Commission in its final opinion. See Howcott v. Pro Touch Serv., JCN

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

VA02000021172, 2016 VA Wrk. Comp. LEXIS 287 (June 9, 2016). 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.