

COURT OF APPEALS OF VIRGINIA

Present: Judges Humphreys, McCullough and Senior Judge Bumgardner

THE STANDARD COMPANIES, INC. AND  
TRAVELERS INDEMNITY INSURANCE  
COMPANY OF AMERICA

v. Record No. 2133-12-4

BRIAN K. SMITH

MEMORANDUM OPINION\*  
PER CURIAM  
MARCH 5, 2013

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Michael E. Ollen; Law Offices of Roger S. Mackey, on brief), for appellants.

(Lawrence J. Pascal; Ashcraft & Gerel, LLP, on brief), for appellee.

The Standard Companies, Inc. and Travelers Indemnity Insurance Company of America (hereinafter referred to as employer) appeal an October 23, 2012 decision of the Workers' Compensation Commission affirming a senior claims examiner's determination that there was not probable cause to refer employer's application to the evidentiary hearing docket. Employer's application alleged Brian K. Smith (claimant) unreasonably refused medical treatment. Employer contends the commission erred in finding 1) that there was insufficient probable cause to support the refusal to submit employer's application to the evidentiary docket, 2) that employer is "precluded from a hearing on the issue of whether [claimant's] surgery refusal for unrelated neck condition is not an appropriate ground for evidentiary hearing," and 3) that claimant "did not willfully refuse medical treatment by refusing surgery for unrelated neck condition keeping him out of work."

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

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 Smith v. Standard Cos., VWC File No. JCN 234-14-68 (Oct. 23, 2012). 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.