COURT OF APPEALS OF VIRGINIA

Present: Judges Kelsey, Petty and Senior Judge Bumgardner

DARIN JUSTUS

v. Record No. 2253-11-4

CONTINENTAL CASUALTY COMPANY

FLUOR-LANE, LLC AND

MEMORANDUM OPINION^{*} PER CURIAM MARCH 6, 2012

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(M. Thomas McWeeny; Koonz, McKenney, Johnson, DePaolis & Lightfoot, L.L.P., on brief), for appellant.

(Mark A. Stallings, on brief), for appellees.

Darin Justus, claimant, appeals the decision of the Workers' Compensation Commission finding that he failed to prove a left leg condition was a compensable consequence of a right leg injury. Claimant argues there being no conflicting evidence presented by Fluor-Lane, LLC, the commission erred in failing to give weight to his testimony and his medical records that his left knee pain was the result of the compensable work injury.¹ 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. <u>See Justus v. Fluor-Lane, LLC</u>, VWC File No. VA02000001517 (Oct. 20, 2011). We dispense with oral argument and summarily affirm

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

¹ In response to an inquiry by claimant, claimant's treating orthopedic surgeon for the right knee injury wrote that claimant suffered no injury to his left knee. "Determination of causation is a factual finding." <u>Amelia Sand Co. v. Ellyson</u>, 43 Va. App. 406, 408, 598 S.E.2d 750, 751 (2004).

because the facts and legal contentions are adequately presented in the materials before the Court and argument would not aid the decisional process. <u>See</u> Code § 17.1-403; Rule 5A:27.

Affirmed.