

COURT OF APPEALS OF VIRGINIA

Present: Chief Judge Felton, Judge Haley and Senior Judge Willis

CINDY GAINES-KYTTL

v. Record No. 0146-11-1

VIRGINIA TECH UNIVERSITY (VPI & SU)/  
COMMONWEALTH OF VIRGINIA

MEMORANDUM OPINION\*  
PER CURIAM  
JUNE 14, 2011

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Gerald G. Poindexter; Poindexter & Associates, on brief), for  
appellant.

(Kenneth T. Cuccinelli, II, Attorney General; Wesley G. Russell, Jr.,  
Deputy Attorney General; Peter R. Messitt, Senior Assistant  
Attorney General; Cheryl A. Wilkerson, Senior Assistant Attorney  
General, on brief), for appellee.

Cindy Gaines-Kyttle (claimant) appeals a decision of the Workers' Compensation Commission affirming the deputy commissioner's findings that she failed to prove what, if any, injury she suffered in an April 3, 2007 accident and that she did not prove that her ongoing symptoms, disability, and medical treatment since that time were causally related to the accident. Claimant contends the commission erred in finding the evidence insufficient to demonstrate an injury by accident, by failing "to give evidentiary weight to the uncontroverted testimony of [her] and her husband," and by "fail[ing] to adhere to the law . . . ."

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 Gaines-Kyttle v. Virginia Tech Univ., VWC File No. 235-55-94 (Dec. 21, 2010).

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

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.