

COURT OF APPEALS OF VIRGINIA

Present: Judge McClanahan, Senior Judges Coleman and Annunziata

LISA M. MURRAY

v. Record No. 0227-05-4

FAIRFAX COUNTY SCHOOL BOARD

MEMORANDUM OPINION*
PER CURIAM
AUGUST 16, 2005

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Lisa M. Murray, *pro se*, on brief).

(Michael N. Salvesson; Hunton & Williams LLP, on brief), for
appellee.

Lisa M. Murray (claimant) appeals a decision of the Workers' Compensation Commission affirming the deputy commissioner's findings that (1) she failed to prove she sustained a compensable injury by accident, occupational disease, or ordinary disease of life; and (2) to the extent that she sought to relitigate the same issues involving the same employer that were previously decided in VWC File No. 210-58-33, the claim was barred by res judicata.¹ We have reviewed the record and the commission's opinion and find no reversible error. Accordingly, we affirm for the reasons stated by the commission in its final opinion. See Murray v. Fairfax (County of) School Board, VWC File No. 216-20-34 (Dec. 28, 2004). We dispense

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

¹ The commission also found that claimant's petition to reopen the record for the consideration of after-discovered evidence was untimely and that even if timely, claimant failed to meet the requirements for the consideration of such evidence. Claimant did not challenge that finding on appeal, and we do not consider it. In addition, in summarily affirming the commission's decision, we do not consider claimant's argument that she was incompetent to defend her claims, thereby tolling the statute of limitations, because she did not raise that argument before the commission. See Rule 5A:18.

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.