

COURT OF APPEALS OF VIRGINIA

Present: Chief Judge Fitzpatrick, Judges Frank and Clements

DON LANE COMPANY/LAY OAK COMPANY, INC. AND
ERIE INSURANCE EXCHANGE

v. Record No. 0386-04-2

KENNETH W. DEAN

MEMORANDUM OPINION*
PER CURIAM
AUGUST 10, 2004

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Charles F. Midkiff; Angela C. Fleming; Midkiff, Muncie & Ross,
P.C., on brief), for appellants.

(William W. Tunner; Mark R. Colombell; Thompson & McMullan,
P.C., on brief), for appellee.

Don Lane Company/Lay Oak Company, Inc. and its insurer appeal a decision of the Workers' Compensation Commission finding that Kenneth W. Dean (1) proved that he was totally disabled from gainful employment beginning November 23, 2001 and continuing due to his compensable April 20, 1998 injury by accident; (2) had no duty to market his residual work capacity; and (3) did not unjustifiably refuse medical treatment by failing to attend physical therapy appointments in February and March 2003. 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 Dean v. Don Lane/Lay-Oak Company, Inc., VWC File No. 190-98-30 (Feb. 2, 2004). We dispense with oral argument and summarily affirm

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

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.