

COURT OF APPEALS OF VIRGINIA

Present: Judges Benton, Humphreys and Retired Judge Overton*

NEWS AMERICA MARKETING, INC. AND
GALLAGHER BASSETT SERVICES

v. Record No. 0482-06-4

CHERYL A. DEANS

MEMORANDUM OPINION**
PER CURIAM
JULY 18, 2006

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(William H. Schladt; Ward & Klein, Chartered, on brief), for
appellants.

(Andrew S. Kasmer, on brief), for appellee.

News America Marketing, Inc. and its insurer (hereinafter referred to as “employer”) appeal a decision of the Workers’ Compensation Commission awarding temporary total disability benefits to Cheryl A. Deans beginning May 5, 2005. Employer contends the commission erred in (1) permitting Deans to submit records post-hearing concerning her marketing efforts while prohibiting employer from challenging those records; (2) refusing to allow employer to submit after-discovered evidence pursuant to the commission’s Rule 3.3; and (3) finding Deans proved she suffered a change-in-condition entitling her to an award of benefits. We have reviewed the record and the commission’s opinion, and we hold that this appeal is without merit. Accordingly, we affirm the commission’s decision for the reasons stated by the commission in its final opinion. See Deans v. News America Marketing, Inc., VWC File

* Judge Overton took part in the consideration of this case prior to the effective date of his retirement as senior judge on June 30, 2006 and thereafter by designation pursuant to Code § 17.1-400(D).

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

No. 217-96-38 (Jan. 18, 2006). 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.