

COURT OF APPEALS OF VIRGINIA

Present: Judges Elder, Clements and Senior Judge Annunziata

SANDY RIVER MEDICAL CENTER AND
COMPANION PROPERTY & CASUALTY
INSURANCE COMPANY

v. Record No. 0999-08-3

JOAN B. HOLT

MEMORANDUM OPINION*
PER CURIAM
SEPTEMBER 23, 2008

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Lorraine B. D'Angelo; Angela F. Gibbs; Midkiff, Muncie & Ross,
on brief), for appellants.

No brief for appellee.

Sandy River Medical Center and its insurer (hereinafter referred to as "employer") appeal a decision of the Workers' Compensation Commission finding that (1) employer failed to prove Joan B. Holt (claimant) was capable of returning to her pre-injury work as of June 20, 2007; and (2) claimant's continuing disability is causally related to her compensable August 23, 2006 injury by accident. 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 and the reasons set forth in its order denying employer's motion to vacate and reconsider. See Holt v. Sandy River Med. Ctr., VWC File No. 231-34-54 (Mar. 26, 2008); Holt v. Sandy River Med. Ctr. et. al., VWC File No. 231-34-54 (April 16, 2008).¹ We dispense with

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

¹ In its April 16, 2008 order denying employer's motion to vacate and reconsider, the commission acknowledged that its March 26, 2008 opinion did not state that the deputy commissioner granted employer's request to strike Dr. Asma Afzal's opinion. However, the commission explained that it did not rely upon Dr. Afzal's opinion in reaching its decision, but

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.

rather, as stated on page eight of its March 26, 2008 opinion, it relied upon Dr. Robert Cassidy's opinion and claimant's testimony, taking into account the lack of objective basis for Dr. John Mahoney's opinion.