

COURT OF APPEALS OF VIRGINIA

Present: Judge McClanahan, Senior Judge Willis and Retired Judge Overton \*

EASTERN STATE HOSPITAL/  
COMMONWEALTH OF VIRGINIA

v. Record No. 1073-06-2

SARAH ELIZABETH JOHNSON

MEMORANDUM OPINION\*\*  
PER CURIAM  
SEPTEMBER 12, 2006

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Robert F. McDonnell, Attorney General; Maureen Riley Matsen, Deputy Attorney General; Peter R. Messitt, Senior Assistant Attorney General; Scott John Fitzgerald, Senior Assistant Attorney General, on brief), for appellant.

(Lorraine Byrd D'Angelo; Rutter Mills, L.L.P., on brief), for appellee.

Eastern State Hospital/Commonwealth of Virginia (employer) appeals a decision of the Workers' Compensation Commission finding that Sarah Elizabeth Johnson (claimant) was entitled to (1) an award of temporary partial disability (TPD) benefits from October 26, 2004 through January 19, 2005; and (2) an award of TPD benefits beginning May 24, 2005 and continuing.

With respect to employer's first question presented, claimant concedes the commission made a "mistake" in awarding her TPD benefits from October 26, 2004 through January 19, 2005, rather than from October 26, 2004 through December 19, 2004, as agreed to by the parties and awarded by the deputy commissioner pursuant to her corrected August 5, 2005 opinion.

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\* Retired Judge Overton took part in the consideration of this case by designation pursuant to Code § 17.1-400(D).

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

Accordingly, we remand this case to the commission for the sole purpose of correcting the clerical error in its award to reflect that claimant is entitled to TPD benefits from October 26, 2004 through December 19, 2004, rather than from October 26, 2004 through January 19, 2005.

With respect to employer's second question presented, 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 Johnson v. Eastern State Hosp./Commonwealth of Virginia, VWC File No. 207-14-62 (Mar. 24, 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 and remanded.