

COURT OF APPEALS OF VIRGINIA

Present: Judges Benton, Haley and Senior Judge Coleman

RED ONION STATE PRISON/
COMMONWEALTH OF VIRGINIA

v. Record No. 1149-06-3

JERLENE J. ROSE

MEMORANDUM OPINION*
PER CURIAM
OCTOBER 17, 2006

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Robert F. McDonnell, Attorney General; Marla Decker, Deputy Attorney General; Roger Chaffe, Senior Assistant Attorney General; Sharon M.B. Pigeon, Assistant Attorney General, on briefs), for appellant.

(Paul L. Phipps; Kerry S. Hay; Lee & Phipps, P.C., on brief), for appellee.

Red Onion State Prison appeals a decision of the Workers' Compensation Commission finding that Jerlene J. Rose proved her February 2, 2004 compensable injury by accident aggravated her pre-existing psychiatric condition and awarding claimant temporary total disability benefits commencing August 11, 2004. We have reviewed the record and the commission's opinion and 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 Rose v. Red Onion State Prison, VWC File No. 217-85-22 (April 4, 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.

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

We deny Rose's request for attorney's fees and costs under Code § 65.2-713, and we remand to the commission to assess interest as provided by Code § 65.2-707.

Affirmed.