

COURT OF APPEALS OF VIRGINIA

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

ALBEMARLE (COUNTY OF) FIRE DEPARTMENT
AND VIRGINIA MUNICIPAL GROUP
SELF-INSURANCE ASSOCIATION

MEMORANDUM OPINION**
PER CURIAM
SEPTEMBER 12, 2006

v. Record No. 1166-06-2

MICHAEL JASON DAVIS

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Ralph L. Whitt, Jr.; Jennifer C. Williamson; Whitt & Associates, on
briefs), for appellants.

(Malcolm Parks; Maloney, Parks, Clarke & Nathanson, P.C., on
brief), for appellee.

Albemarle (County of) Fire Department and its insurer (hereinafter referred to as “employer”) appeal a decision of the Workers’ Compensation Commission awarding compensation to Michael Jason Davis (claimant) for a compensable occupational disease. Employer contends the commission erred in finding that (1) claimant proved he suffered from heart disease entitling him to the presumption set forth in Code § 65.2-402; (2) claimant’s medical condition did not pre-exist his employment; and (3) employer failed to rebut the presumption.¹ We have reviewed the record and the commission’s opinion and find that this

* 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.

¹ While employer raised seven Questions Presented in its brief, it presented argument on these three issues, which taken together address the issues raised in employer’s Questions Presented.

appeal is without merit. Accordingly, we affirm for the reasons stated by the commission in its final opinion. See Davis v. Albemarle (County of) Fire Dept., VWC File No. 216-78-89 (April 5, 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.