

COURT OF APPEALS OF VIRGINIA

Present: Judges Bumgardner, Kelsey and Senior Judge Hodges

CLAIRE M. GESALMAN

v. Record No. 1408-05-4

VIRGINIA BIRTH-RELATED NEUROLOGICAL
INJURY COMPENSATION PROGRAM

MEMORANDUM OPINION*
PER CURIAM
OCTOBER 11, 2005

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Claire M. Gesalman, *pro se*, on brief).

(Judith Williams Jagdmann, Attorney General; Francis "Frank" S. Ferguson, Deputy Attorney General; Jill M. Ryan, Assistant Attorney General, on brief), for appellee.

Claire M. Gesalman, mother of Daniel Martin Gesalman ("infant complainant"), appeals a decision of the Workers' Compensation Commission finding that a recruitment fee paid to an employment agency to find a caregiver for the infant complainant does not qualify as an actual medically necessary and reasonable expense under Code § 38.2-5009(A)(1). 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 Gesalman v. Virginia Birth-Related Neurological Injury Compensation Program, VWC File No. B-97-5 (May 12, 2005). 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.

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