

COURT OF APPEALS OF VIRGINIA

Present: Judges Kelsey, Petty and Senior Judge Bumgardner

JERRY DEAN TYREE, SR.

v. Record No. 1437-07-1

BOBBY'S MUFFLER & TIRE CENTER, INC. AND
VIRGINIA COMMERCE GROUP SELF-INSURANCE
ASSOCIATION

MEMORANDUM OPINION*
PER CURIAM
OCTOBER 2, 2007

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Richard E. Railey, Jr.; Railey and Railey, P.C., on brief), for
appellant.

(J. Brian Slaughter; McKenry, Dancigers, Dawson & Lake, P.C., on
brief), for appellees.

Jerry Dean Tyree, Sr. appeals a decision of the Workers' Compensation Commission finding that he was not totally disabled after June 6, 2006 and that he failed to adequately market his residual work capacity after that date.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 Tyree v. Bobby's Muffler & Tire Ctr., Inc., VWC File No. 227-52-32 (June 11, 2007). We dispense with oral argument and summarily affirm

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

¹ In rendering our decision, we have considered only that evidence which was properly before the commission when the record closed on August 29, 2006. Thus, we have not considered any of claimant's argument regarding evidence that might have been generated after that date and which was not before the commission when it rendered its decision.

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.