

COURT OF APPEALS OF VIRGINIA

Present: Judges Bumgardner, Kelsey and Senior Judge Hodges

EVELEE WHEELER (MOTHER) AND
ARTHUR RONALD WALDROP (DECEASED)

v. Record No. 1677-05-3

VIRGINIA PANEL CORPORATION AND
CINCINNATI INSURANCE COMPANY

MEMORANDUM OPINION*
PER CURIAM
NOVEMBER 8, 2005

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Thomas W. Dixon, Jr.; Nelson, McPherson, Summers & Santos,
L.C., on brief), for appellant.

(Cathleen P. Welsh; Keeler Obenshain PC, on brief), for appellees.

Evelee Wheeler, mother of Arthur Ronald Waldrop (decedent), appeals a decision of the Workers' Compensation Commission denying benefits on the basis that the evidence failed to establish a causal connection between the decedent's work-related injury and his death several years later. Wheeler also contends the commission erred in refusing to consider Dr. Thomas J. Spicuzza's June 27, 2004 letter and a letter issued by the medical examiner's office on August 16, 2004 as after-discovered evidence.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 Waldrop et al. v. Virginia Panel Corporation, VWC File No. 193-84-21 (June 10, 2005). We dispense with oral argument and summarily affirm

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

¹ In light of our decision summarily affirming the commission's decision, we decline to address the question presented by employer regarding Wheeler's standing to assert a claim for death benefits. We note that the commission did not specifically decide that issue, but only alluded to it in dicta in its opinion.

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.