

COURT OF APPEALS OF VIRGINIA

Present: Judges Humphreys, McCullough and Senior Judge Bumgardner

DANIEL MARTINEZ

v. Record No. 1927-13-4

ZAMUDIO TREE & LANDSCAPING AND  
THE UNINSURED EMPLOYER'S FUND

MEMORANDUM OPINION\*  
PER CURIAM  
JANUARY 28, 2014

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Gregory J. Park; Park & Park, P.C., on brief), for appellant.

(Dana L. Plunkett; Midkiff, Muncie & Ross, P.C., on brief), for  
appellee The Uninsured Employer's Fund.

No brief for appellee Zamudio Tree & Landscaping.

Daniel Martinez appeals a decision of the Workers' Compensation Commission denying his claim for temporary total disability benefits. On appeal, he claims the commission erred in concluding that the evidence was insufficient to establish an average weekly wage upon which temporary total disability benefits could be awarded. 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 Martinez v. Zamudio Tree & Landscaping, JCN VA02000006921 (Sept. 11, 2013). 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.

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