

COURT OF APPEALS OF VIRGINIA

Present: Judges Frank, Huff and Senior Judge Haley

BIENVENIDO TEJADA

v. Record No. 2320-13-3

CARGILL MEAT SOLUTION CORPORATION AND
SEDGWICK CLAIMS MANAGEMENT SERVICES, INC.

MEMORANDUM OPINION*
PER CURIAM
MAY 20, 2014

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Walter F. Green, on brief), for appellant.

(Cathleen P. Welsh; Lenhart Pettit, on brief), for appellees.

Bienvenido Tejada (“claimant”) appeals from a November 7, 2013 order of the Workers’ Compensation Commission affirming a deputy commissioner’s denial of his claim for benefits. On appeal, claimant contends the commission “erred by denying [him] effective cross examination of witnesses’ testimony because it was not translated from Spanish to English.” Upon reviewing the record and the parties’ briefs, we conclude that this appeal is without merit. Accordingly, we summarily affirm the commission’s decision. Rule 5A:27.

Claimant filed a claim seeking medical benefits on October 10, 2012, alleging a compensable injury by accident to his right arm on September 16, 2011. The deputy commissioner conducted an evidentiary hearing and concluded claimant had not proved a compensable injury. Claimant, a native Spanish speaker, was provided an interpreter at the evidentiary hearing, he was represented by a bilingual attorney, and he made no objection before the deputy commissioner regarding the interpreter’s performance.

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

The full commission “note[d] no objection was made by claimant or his then-counsel . . . during the hearing” On appeal to this Court, claimant fails to provide “an exact reference to the pages of the record where each assignment of error was preserved in the trial court,” as required by Rule 5A:20(c). He also does not assign error to the full commission’s finding that he failed to preserve the issue for appeal.

Rule 5A:18 provides that “[n]o ruling of the . . . Virginia Workers’ Compensation Commission will be considered as a basis for reversal unless an objection was stated with reasonable certainty at the time of the ruling.” The purpose of this rule “is to ensure that the trial court has an opportunity to rule intelligently on a party’s objections and avoid unnecessary mistrials or reversals.” Johnson v. Raviotta, 264 Va. 27, 33, 563 S.E.2d 727, 731 (2002). Consequently, an appropriate objection must contain “sufficient specificity that the alleged error can be” addressed. Bazemore v. Commonwealth, 42 Va. App. 203, 218, 590 S.E.2d 602, 609 (2004) (*en banc*) (citation omitted). Rule 5A:18 bars our consideration of claimant’s assignment of error because claimant did not provide the commission with the opportunity to correct any perceived error. In these circumstances, we will not consider this argument for the first time on appeal. See Williams v. Gloucester Sheriff’s Dep’t, 266 Va. 409, 411, 587 S.E.2d 546, 548 (2003).

Accordingly, we affirm for the reasons stated by the commission in its final opinion. See Tejada v. Cargill Meat Solutions Corp., VWC File No. VA00000515700 (Nov. 7, 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.