

COURT OF APPEALS OF VIRGINIA

Present: Judges Decker, Malveaux and Senior Judge Annunziata

CARLSON HOLDINGS, INC. AND
ACE AMERICAN INS. CO. (TRAV. INDEMNITY CO.)

v. Record No. 1398-17-4

SERGUT TIBEBU

MEMORANDUM OPINION*
PER CURIAM
DECEMBER 12, 2017

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Joseph F. Giordano; Kathryn Lea Harman; Semmes, Bowen & Semmes, on briefs), for appellants.

(Benjamin J. Trichilo; McCandlish Lillard, P.C., on brief), for appellee.

Carlson Holdings, Inc. and Ace American Ins. Co. (Trav. Indemnity Co.) appeal a decision of the Workers' Compensation Commission awarding Sergut Tibebu temporary total and temporary partial disability benefits. Appellants contend the Commission erred by finding Tibebu proved by clear and convincing evidence that she suffered from a compensable ordinary disease of life and that the Commission incorrectly relied on a credibility assessment of the deputy commissioner. 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 Tibebu v. Carlson Holdings, Inc., JCN VA00001234845 (Aug. 4, 2017). 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.