

COURT OF APPEALS OF VIRGINIA

Present: Judges Kelsey, Petty and Senior Judge Bumgardner

SCOTT SILER AND ROBERT FARGUHAR

v. Record No. 2596-06-1

JOSEPH E. PULLIAM

TRAVELERS INDEMNITY COMPANY

MEMORANDUM OPINION*
PER CURIAM
FEBRUARY 20, 2007

v. Record No. 2621-06-1

JOSEPH E. PULLIAM

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Robert A. Rapaport; Jennifer T. Atkinson; Clarke, Dolph, Rapaport, Hardy & Hull, P.L.C., on brief), for appellants Scott Siler and Robert Farguhar.

(Gerard E. W. Voyer; Audrey Marcello; Taylor & Walker, P.C., on brief), for appellant Travelers Indemnity Company.

(T. Gregory Evans; Joynes & Gaidies, on brief), for appellee.

Scott Siler and Robert Farguhar appeal a decision of the Workers' Compensation Commission finding that (1) Joseph E. Pulliam proved he was an employee of Siler and Farguhar (hereinafter referred to as "employer") rather than an independent contractor; (2) "Jay" had actual or apparent authority to hire claimant to work for employer; and (3) "Jay," acting as employer's agent, exercised control over claimant sufficient to make him an employee. Travelers Indemnity Company also appeals the commission's decision and raises questions identical to questions (1) and (2) raised by employer in its brief. We have reviewed the record

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

and the commission's opinion and find that these appeals are without merit. Accordingly, we affirm for the reasons stated by the commission in its final opinion. See Pulliam v. Scott Siler & Robert Farguhar, VWC File No. 223-19-88 (Sept. 25, 2006). 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.