

COURT OF APPEALS OF VIRGINIA

Present: Judges Frank, Clements and Haley

JON SNYDER (DECEASED), AVA L. SNYDER
AND NICOLE L. SNYDER

v. Record No. 2714-04-1

MEMORANDUM OPINION*
PER CURIAM
MARCH 15, 2005

COUNTY OF YORK (FIRE) AND
VIRGINIA MUNICIPAL GROUP
SELF-INSURANCE ASSOCIATION

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Michael A. Kernbach; Burgess, Kernbach & Perigard, PLLC, on
brief), for appellants.

(Ralph L. Whitt, Jr.; Jennifer C. Williamson; Whitt & Associates, on
brief), for appellees.

Jon Snyder (Deceased), Ava L. Snyder, and Nicole L. Snyder (hereinafter referred to as “claimants”) appeal a decision of the Workers’ Compensation Commission (1) denying claimants’ motion to reopen the record and for a remand to submit additional medical evidence in support of their claim; and (2) finding that County of York (Fire) (employer) rebutted the statutory presumption under Code § 65.2-402, specifically finding that the evidence proved that the deceased’s lung cancer was caused by his cigarette smoking and not his occupational exposure to toxic substances. We have reviewed the record and the commission’s opinion and find no reversible error. Accordingly, we affirm for the reasons stated by the commission in its final opinion. See Snyder et al. v. County of York Fire, VWC File No. 190-67-18 (Oct. 22, 2004). We dispense with oral argument and summarily affirm because the facts and legal

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

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.