

COURT OF APPEALS OF VIRGINIA

Present: Judges Kelsey, Petty and Senior Judge Bumgardner

INTERSTATE BRANDS CORPORATION AND  
ACE AMERICAN INSURANCE COMPANY

v. Record No. 0049-06-2

KENNETH A. KINCHEM

MEMORANDUM OPINION\*  
PER CURIAM  
MAY 30, 2006

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Scott C. Ford; Janet P. Van Cuyk; McCandlish Holton, P.C., on  
brief), for appellants.

(Kenneth A. Kinchen, *pro se*, on brief).

Interstate Brands Corporation and its insurer (hereinafter referred to as “employer”) appeal a decision of the Workers’ Compensation Commission finding that Kenneth A. Kinchen (claimant) proved his medical treatment and disability beginning January 5, 2005 were causally related to his compensable August 25, 2004 injury by accident. Pursuant to Rule 5A:21(b), claimant raises the additional question of whether the commission erred in finding that he failed to adequately market his residual work capacity beginning January 1, 2005, and, therefore, was not entitled to wage loss benefits. We have reviewed the record and the commission’s opinion and find that this appeal is without merit as to the questions raised by both employer and claimant. Accordingly, we affirm for the reasons stated by the commission in its final opinion. See Kinchen v. Interstate Brands Corp., VWC File No. 221-39-48 (Dec. 21, 2005). We dispense with oral argument and summarily affirm because the facts and legal contentions are adequately

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

presented in the materials before the Court and argument would not aid the decisional process.

See Code § 17.1-403; Rule 5A:27.

Affirmed.