

COURT OF APPEALS OF VIRGINIA

Present: Judges McClanahan, Haley and Senior Judge Willis

MACK'S CONSTRUCTION COMPANY, INC. AND  
CINCINNATI CASUALTY COMPANY

v. Record No. 0160-09-2

JOHN ROBERT WILBURN, JR.

MEMORANDUM OPINION\*  
PER CURIAM  
JULY 7, 2009

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Christopher M. Kite; Lucas & Kite, PLC, on brief), for appellants.

(B. Mayes Marks, Jr.; Marks and Associates, P.C., on brief), for  
appellee.

Mack's Construction Company, Inc. and its insurer (hereinafter referred to as "employer") appeal a decision of the Workers' Compensation Commission finding that John Robert Wilburn, Jr. proved: (1) a change in condition; and (2) the condition was causally related to his January 29, 2008 injury. 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 Wilburn v. Mack's Construction Co., Inc., VWC File No. 237-53-35 (Dec. 19, 2008). 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.

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