

COURT OF APPEALS OF VIRGINIA

Present: Judges Kelsey, Petty and Senior Judge Bumgardner

JOHN EDWARD KIRK, SR.

v. Record No. 0652-06-3

SOUTHERN AIR, INC. AND
PENNSYLVANIA MANUFACTURING ASSOCIATION
INSURANCE COMPANY

MEMORANDUM OPINION*
PER CURIAM
AUGUST 8, 2006

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Charles R. Allen, Jr., on brief), for appellant.

(Rachel L. Arnold; Midkiff, Muncie & Ross, P.C., on brief), for
appellees.

John Edward Kirk (claimant) appeals a decision of the Workers' Compensation Commission finding that he failed to prove (1) his right foot problems were causally related to his compensable July 6, 2004 injury by accident; and (2) he was entitled to a change in treating physicians. We have reviewed the record and the commission's opinion and find that this appeal is without merit.¹ Accordingly, we affirm for the reasons stated by the commission in its final opinion. See Kirk v. Southern Air, Inc., VWC File No. 219-89-42 (Feb. 17, 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.

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

¹ In light of our summary affirmance with respect to the first two questions presented by claimant on appeal, we need not address the third question presented.