

COURT OF APPEALS OF VIRGINIA

Present: Judges Bumgardner, Humphreys and Senior Judge Hodges

WILLIAM T. BOWLING/  
TED BOWLING CONSTRUCTION

v. Record No. 0178-04-2

JOSHUA CREEL

MEMORANDUM OPINION\*  
PER CURIAM  
JUNE 1, 2004

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(William T. Bowling, *pro se*, on brief).

(William C. Carr, Jr.; Emroch & Kilduff, LLP, on brief), for  
appellee.

William T. Bowling/Ted Bowling Construction (“employer”) appeals a decision of the Workers’ Compensation Commission finding that employer failed to sustain its burden of proving that it did not have three or more employees regularly in service and was, therefore, not subject to the Workers’ Compensation Act. 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 Creel v. Bowling/Ted Bowling Construction, VWC File No. 211-36-95 (Dec. 22, 2003). 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.<sup>1</sup>

Affirmed.

---

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

<sup>1</sup> Because we summarily affirm the commission’s decision, we will not address the arguments raised by Creel with respect to employer’s failure to comply with the requirements of Rule 5A:25.