

## COURT OF APPEALS OF VIRGINIA

Present: Judges Elder, Alston and Senior Judge Willis

NPM, INC. 25 AND  
MERCHANTS OF VIRGINIA, G.S.I.A.

v. Record No. 0246-13-4

JOHN BENJAMIN RODGERS

MEMORANDUM OPINION\*  
PER CURIAM  
JUNE 11, 2013

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Joshua M. Wulf; Angela F. Gibbs; Midkiff, Muncie & Ross, P.C.,  
on brief), for appellants.

(Robert J. Strayhorne, on brief), for appellee.

NPM, Inc. 25 and Merchants of Virginia, G.S.I.A. (appellants) appeal rulings of the Workers' Compensation Commission regarding claims for compensation relating to the January 8, 2010 work-related accident of John Benjamin Rodgers (appellee). Appellants claim the commission erred: 1) in finding that 25%, rather than 17%, of appellee's 37% permanent partial disability rating for his left lower extremity was attributable to work-related injury; 2) in crediting the opinions of appellee's treating physicians, rather than the physician who evaluated appellee at appellants' request, in apportioning that disability rating; and 3) in finding that injury to appellee's right knee was a compensable consequence of appellee's work-related accident. 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 Rodgers v. NPM, Inc., VWC File VA000-0020-9041 (Jan. 10, 2013). We dispense with oral argument and summarily affirm because the facts and legal contentions are adequately presented

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

in the materials before the Court and argument would not aid the decisional process. See Code  
§ 17.1-403; Rule 5A:27.

Affirmed.