

COURT OF APPEALS OF VIRGINIA

Present: Judges Humphreys, Beales and Senior Judge Fitzpatrick

DALE STANLEY TRUCKING, INC. AND
AMERICAN MINING INSURANCE COMPANY

v. Record No. 0252-07-3

CHARLES C. SMITH

MEMORANDUM OPINION*
PER CURIAM
JUNE 5, 2007

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(John R. Sigmond; Penn, Stuart & Eskridge, on brief), for
appellants.

(Kerry S. Hay; Lee & Phipps, P.C., on brief), for appellee.

Dale Stanley Trucking, Inc. and its insurer (hereinafter referred to as "employer") appeal a decision of the Workers' Compensation Commission finding that (1) the panel of physicians offered by employer to Charles C. Smith (claimant) was defective; and (2) employer was liable for payment of medical treatment provided to claimant by and through Dr. Robert Means. 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 Smith v. Dale Stanley Trucking, Inc., VWC File No. 227-98-45 (Jan. 17, 2007). 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.