

## COURT OF APPEALS OF VIRGINIA

Present: Judges Petty, AtLee and Senior Judge Clements

REPUBLIC SERVICES OF VIRGINIA, LLC AND  
INDEMNITY INS. CO. OF N. AMERICA

v. Record No. 0350-16-4

JOHN MORTON

MEMORANDUM OPINION\*  
PER CURIAM  
JUNE 21, 2016

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Stephanie S. Ryan; Ryan Law PLLC, on brief), for appellants.

(Bryan G. Bosta; Becker, Kellogg & Berry, PC, on brief), for  
appellee.

Republic Services of Virginia, LLC and Indemnity Ins. Co. of N. America (employer) appeal a decision of the Workers' Compensation Commission finding the claim for benefits filed by John Morton (claimant) was not barred by willful misconduct. On appeal, employer contends the Commission erred in: (1) finding there was no safety rule; (2) finding claimant may have been negligent in the manner in which he acted, but not finding evidence of wrongful intention; (3) finding there was no enforcement of the safety rules; and (4) permitting trial by ambush at the hearing and failing to enforce its own discovery orders. 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 Morton v. Republic Servs., VWC File No. VA00001051467 (Feb. 10, 2016). We dispense with oral argument and summarily affirm

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

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.