

COURT OF APPEALS OF VIRGINIA

Present: Judges Humphreys, McCullough and Retired Judge Hodges*

TRADESMEN INTERNATIONAL, INC. AND
NEW HAMPSHIRE INSURANCE COMPANY

v. Record No. 0398-13-1

MICHAEL L. HYLTON

MEMORANDUM OPINION**
PER CURIAM
JULY 23, 2013

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Robert A. Rapaport; Bonnie P. Lane; Clarke, Dolph, Rapaport, Hull & Brunick, P.L.C., on brief), for appellants.

(John H. Klein; Montagna, Klein, Camden LLP, on brief), for appellee.

Tradesmen International, Inc. and its insurer (hereinafter referred to as “employer”) appeal a decision of the Workers’ Compensation Commission awarding temporary partial disability benefits to Michael L. Hylton (claimant) from January 13, 2011 through March 28, 2011,¹ and from June 20, 2011 to the date of the decision and continuing, and also awarding temporary total disability benefits from April 26, 2011 through June 7, 2011, and from June 13, 2011 through June 19, 2011. Employer argues the commission erred in finding sufficient evidence to prove claimant adequately marketed his residual work capacity during the periods of time in question. We have reviewed the record and the commission’s opinion and find that this

* Retired Judge Hodges took part in the consideration of this case by designation pursuant to Code § 17.1-400(D).

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

¹ Although employer states on brief that the commission awarded claimant temporary total disability benefits from January 13, 2011 through March 28, 2011, the record reflects that the commission corrected its opinion to reflect that it awarded claimant temporary partial disability benefits during that period of time.

appeal is without merit. Accordingly, we affirm for the reasons stated by the commission in its final opinion. See Hylton v. Tradesmen International, Inc., VWC File JCN 2416172 (Feb. 5, 2013). 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.