

COURT OF APPEALS OF VIRGINIA

Present: Judges Frank, McClanahan and Senior Judge Willis

HILTON HOTELS CORPORATION AND
SPECIALTY RISK SERVICES, INC.

v. Record No. 0417-08-4

CARMINA CASTRO

MEMORANDUM OPINION*
PER CURIAM
JUNE 24, 2008

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Joseph F. Giordano; Jessica Argiros Gorman; Semmes, Bowen & Semmes, on brief), for appellants.

(M. Thomas McWeeny; Koonz, McKenney, Johnson, DePaolis & Lightfoot, L.L.P., on brief), for appellee.

Hilton Hotels Corporation and its insurer (hereinafter referred to as “employer”) appeal a decision of the Workers’ Compensation Commission finding that (1) the deputy commissioner’s refusal to admit into evidence four questionnaires sent by employer to three potential employers identified in Carmina Castro’s (claimant) marketing log constituted harmless error; (2) claimant sustained a compensable injury by accident to her neck and back on June 26, 2006; (3) she adequately marketed her residual work capacity from August 31, 2006 through May 30, 2007, and was entitled to an award of temporary total disability (TTD) benefits beginning August 31, 2006 through May 30, 2007; and (4) she was entitled to an award of temporary partial disability benefits beginning May 31, 2007, and continuing. 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 Castro v. Hilton Hotels Corp., VWC

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

File No. 229-61-65 (Jan. 23, 2008). 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.