

COURT OF APPEALS OF VIRGINIA

Present: Chief Judge Fitzpatrick, Judges Frank and Clements

DARRYL ALLMOND

v. Record No. 0441-04-4

HOMEPLACE AND  
ROYAL INSURANCE COMPANY OF AMERICA

MEMORANDUM OPINION\*  
PER CURIAM  
JUNE 22, 2004

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Darryl Allmond, *pro se*, on brief.)

(Benjamin J. Trichilo; Sandra R. Mastro; Trichilo, Bancroft,  
McGavin, Horvath & Judkins, P.C., on brief), for appellees.

Darryl Allmond (claimant) appeals a decision of the Workers' Compensation Commission denying his claim for benefits filed on January 31, 2003. The commission found that (1) the deputy commissioner was not required to recuse herself from hearing the January 31, 2003 claim for benefits; (2) claimant's claim for temporary total disability benefits through May 28, 2002 had been previously adjudicated; (3) claimant unjustifiably obstructed an examination by Dr. Robert O. Gordon, an orthopedic surgeon, resulting in the suspension of claimant's right to prosecute his January 31, 2003 claim; (4) claimant failed to prove that he cured his unjustified obstruction; and (5) even if his right to prosecute his claim were not suspended, he failed to prove a compensable change-in-condition entitling him to an award of disability benefits for the period beginning May 29, 2002 and continuing. We have reviewed the record and the commission's opinion and find no reversible error. Accordingly, we affirm for the reasons stated by the commission in its final opinion. See Allmond v. Homeplace, VWC File

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

No. 205-78-70 (Jan. 20, 2004). 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.