

COURT OF APPEALS OF VIRGINIA

Present: Judges Elder, Beales and Senior Judge Annunziata

ARRIBA CORPORATION,
WCAMC CONTRACTORS GROUP
SELF-INSURANCE ASSOCIATION AND
PMA MANAGEMENT CORPORATION

MEMORANDUM OPINION*
PER CURIAM
JULY 20, 2010

v. Record No. 0486-10-1

CHARLES VERNON HAMILTON

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Kevin W. Cloe; Angela F. Gibbs; Midkiff, Muncie & Ross, P.C., on brief), for appellants.

(Ralph Rabinowitz; Phillip J. Geib; Rabinowitz, Swartz, Taliaferro, Swartz & Goodove, P.C., on brief), for appellee.

Arriba Corporation and its insurers WCAMC Contractors Group Self-Insurance Association and PMA Management Corporation (collectively “employer”) appeal a decision of the Workers’ Compensation Commission finding (1) Charles Hamilton (claimant) cooperated with the vocation rehabilitation offered to him; (2) claimant’s failure to attend two appointments with his vocational rehabilitation specialist was justified; and (3) claimant’s unwillingness to work with his rehabilitation counselor did not bar him from retaining his compensation benefits. Employer also contends the commission erred in overruling a credibility determination made by the deputy commissioner. 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 Hamilton v. Arriba Corp., VWC File No. 214-89-29 (Feb.

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

11, 2010). 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.