

COURT OF APPEALS OF VIRGINIA

Present: Judges Frank, McClanahan and Senior Judge Willis

EDYN OSLEY GUERRA

v. Record No. 0497-07-4

HAWK, INC. AND
WCAMC CONTRACTORS GROUP
SELF INSURANCE ASSOCIATION

MEMORANDUM OPINION*
PER CURIAM
JULY 24, 2007

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Arturo H. Hernandez, on brief), for appellant.

(Michael P. Del Bueno; Brandon R. Jordan; Whitt & Del Bueno, PC,
on brief), for appellees.

Edyn Osley Guerra (claimant) appeals a decision of the Workers' Compensation Commission denying his claim for permanent partial disability ("PPD") benefits.¹ Claimant argues the commission abused its discretion in disregarding the treating physician's opinion. 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 Guerra v. Hawk, Inc., VWC File No. 220-50-50 (Feb. 21, 2007). We dispense with oral argument and summarily affirm because the facts and legal contentions are adequately presented

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

¹ The commission noted in its opinion that claimant's Written Statement on review addressed only the issue of PPD benefits and, therefore, limited its review to that issue. While claimant raises the question on appeal of whether the commission abused its discretion in allowing employer to conduct and file an Independent Medical Examination, he did not obtain any ruling on that question from the full commission on review. Accordingly, there is nothing for us to review, and we will not consider that question for the first time on appeal. See Green v. Warwick Plumbing & Heating Corp., 5 Va. App. 409, 413, 364 S.E.2d 4, 6 (1988); Rule 5A:18.

in the materials before the Court and argument would not aid the decisional process. See Code § 17.1-403; Rule 5A:27.

Affirmed.