

COURT OF APPEALS OF VIRGINIA

Present: Judges Humphreys, Powell and Senior Judge Clements

CLAUDE ROGER SPARKS

v. Record No. 0587-09-3

LIONBERGER CONSTRUCTION COMPANY AND
VIRGINIA CONTRACTORS GROUP
SELF-INSURANCE ASSOCIATION

MEMORANDUM OPINION*
PER CURIAM
JULY 28, 2009

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(A. Thomas Lane, Jr., on brief), for appellant.

(John C. Johnson; Andrew E. Stephens; Frith Anderson & Peake,
P.C., on brief), for appellees.

Claude Roger Sparks appeals a decision of the Workers' Compensation Commission finding that he failed to establish whether an October 3, 2006 incident or an October 11, 2006 incident caused a rotator cuff tear and necessitated subsequent surgery. 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 Sparks v. Lionberger Construction Company, VWC File Nos. 234-73-41 and 234-62-49 (March 4, 2009). 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.

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