

COURT OF APPEALS OF VIRGINIA

Present: Judges Humphreys, Beales and Retired Judge Fitzpatrick *

CLYDE KEITH CALE

v. Record No. 0594-08-3

NIBCO, INC. AND
ZURICH AMERICAN INSURANCE COMPANY

MEMORANDUM OPINION**
PER CURIAM
JULY 8, 2008

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

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

(Frederick T. Schubert, II; Angela F. Gibbs; Midkiff, Muncie &
Ross, P.C., on brief), for appellees.

Clyde Keith Cale appeals a decision of the Workers' Compensation Commission suspending his temporary total disability benefits as of October 27, 2006, based upon its finding that employer proved claimant was fully able to perform his pre-injury employment. 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 Cale v. Nibco, Inc., VWC File No. 205-62-34 (Feb. 5, 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.

* Judge Fitzpatrick took part in the consideration of this case prior to the effective date of her retirement as senior judge on July 1, 2008 and thereafter by designation pursuant to Code § 17.1-400(D).

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

