

COURT OF APPEALS OF VIRGINIA

Present: Judges Beales, Russell and Senior Judge Frank

CITY OF DANVILLE

v. Record No. 0620-16-4

LARRY BOBBY GENE BARTON

MEMORANDUM OPINION*
PER CURIAM
AUGUST 9, 2016

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(James A. L. Daniel; Daniel, Medley & Kirby, P.C., on briefs), for
appellants.

(Michael A. Kernbach, on brief), for appellee.

The City of Danville appeals a decision of the Workers' Compensation Commission finding that Larry Barton's benefits should not be terminated. The City contends the Commission erred by finding that (1) Barton's vocational rehabilitation counselor did not reasonably provide jobs appropriate to his residual capacity; (2) Barton did not refuse to cooperate with vocational rehabilitation efforts; (3) the City should not be credited Barton's bonus pay from dissimilar employment which he directed to be paid to his spouse; and (4) the City should not be credited additional hours Barton worked in dissimilar employment since his employment with the City had ceased. 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 Barton v. City of Danville, VWC File No. VA00000300287 (Mar. 18, 2016). We dispense with oral argument and summarily affirm

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

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.