

COURT OF APPEALS OF VIRGINIA

Present: Chief Judge Moon, Senior Judges Cole and Duff

SAFEWAY STORES, INC.

v. Record No. 0635-96-4

EILEEN BROWN

MEMORANDUM OPINION*
PER CURIAM
AUGUST 20, 1996

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Kevin J. O'Connell; O'Connell & O'Connell,
on brief), for appellant. Appellant
submitting on brief.

No brief or argument for appellee.

Safeway Stores, Inc. contends that the Workers' Compensation Commission erred in finding that Eileen Brown's digital neuroma qualifies as an occupational disease within the meaning of "disease" under the Workers' Compensation Act ("the Act").

This appeal is controlled by the Supreme Court's decision in Stenrich Group v. Jemmott, 251 Va. 186, 199, 467 S.E.2d 795, 802 (1996) (holding that "job-related impairments resulting from cumulative trauma caused by repetitive motion, however labeled or however defined, are, as a matter of law, not compensable under the present provisions of the Act").

Accordingly, we reverse the commission's decision.

Reversed.

*Pursuant to Code § 17-116.010 this opinion is not designated for publication.