

COURT OF APPEALS OF VIRGINIA

Present: Judges Kelsey, Petty and Senior Judge Bumgardner

FOOD LION, LLC AND  
DELHAIZE AMERICA, INC.

v. Record No. 0649-10-4

GLORIA BROOKS TKACH

MEMORANDUM OPINION\*  
PER CURIAM  
AUGUST 3, 2010

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Dov M. Szego; William B. Pierce & Associates, PLLC, on briefs),  
for appellants.

(W. David Falcon, Jr.; Chasen & Boscolo, P.C., on brief), for  
appellee.

Food Lion, LLC and Delhaize America, Inc. (employer) appeal a decision of the Workers' Compensation Commission. On appeal, employer contends (1) the commission's opinion was not supported by the evidence; (2) the commission applied an incorrect fraud standard; (3) the commission erred in finding that employer failed to prove Gloria Tkach (claimant) procured benefits by fraud; (4) the commission erred in finding that employer did not detrimentally rely on claimant's fraud; (5) Dr. Peymaun Lofti's medical opinion was reliable; and (6) the commission erred in finding that claimant's ongoing back treatment was causally related to her November 20, 2007 workplace accident. 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 Tkach v. Food Lion, LLC, VWC File No. 236-65-21 (Mar. 5, 2010). We dispense with oral argument and summarily affirm because

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

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.