

COURT OF APPEALS OF VIRGINIA

Present: Chief Judge Moon, Judges Bray and Annunziata

RICHARD G. BROSCINSKI

v. Record No. 0651-95-3

MEMORANDUM OPINION\*

PER CURIAM

SEPTEMBER 19, 1995

ALCOA BUILDING PRODUCTS

AND

LIBERTY MUTUAL FIRE INSURANCE COMPANY

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

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

(J. David Griffin; Fowler, Griffin, Coyne & Coyne, on brief), for appellees.

The sole issue raised on appeal by Richard G. Broschinski (claimant) is that the Workers' Compensation Commission erred in refusing to consider the June 9, 1994 letter of Richard D. Kolodner, a licensed professional counselor, on the ground that the letter does not qualify as a "medical report" under the Workers' Compensation Act ("the Act"). Upon reviewing the record and the briefs of the parties, we conclude that this appeal is without merit. Accordingly, we summarily affirm the commission's decision. Rule 5A:27.

In holding that Kolodner's opinion was not persuasive on the issue of disability, the commission found as follows:

The claimant principally relies on a letter of June 9, 1994, from . . . Kolodner, licensed professional counselor. However, this cannot be considered as a medical report. Neff v. Houff Transfer, Inc., VWC

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

File No. 165-33-84 (January 31, 1995).  
Kolodner is not a physician, and it does not  
appear that he has any type of professional  
graduate degree. Neither do we find any  
evidence that his opinion has been  
incorporated by any treating physician.

The commission's construction of the Act is entitled to  
great weight on appeal. City of Waynesboro v. Harter, 1 Va. App.  
265, 269, 337 S.E.2d 901, 903 (1985).

The term "medical report" is not defined in Code § 65.2-603  
to include reports of licensed professional counselors. If the  
general assembly intended that the reports of licensed  
professional counselors be considered as medical reports it could  
have specifically provided for such. It did so for  
chiropractor's treatment reports. See Code § 65.2-603(D).

"While the . . . Act is to be liberally construed for the  
employee's benefit, that policy does not authorize the amendment,  
alteration or extension of its provisions beyond its obvious  
meaning." Gajan v. Bradlick Co., Inc., 4 Va. App. 213, 217, 355  
S.E.2d 899, 902 (1987).

Based upon the commission's interpretation of Code  
§ 65.2-603, we cannot find as a matter of law that the commission  
erred in refusing to consider the letter of Kolodner, a licensed  
professional counselor, as a "medical report" under Code  
§ 65.2-603.

For these reasons, we affirm the commission's decision.

Affirmed.