

COURT OF APPEALS OF VIRGINIA

Present: Judges Kelsey, Petty and Senior Judge Bumgardner

JOHN C. PHILLIPS

v. Record No. 0653-06-3

RED ONION STATE PRISON/
COMMONWEALTH OF VIRGINIA

MEMORANDUM OPINION*
PER CURIAM
JULY 25, 2006

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(D. Allison Mullins; Lee & Phipps, P.C., on brief), for appellant.

(Robert F. McDonnell, Attorney General; Maureen Riley Matsen,
Deputy Attorney General; Peter R. Messitt, Senior Assistant
Attorney General; Deanis L. Simmons, Assistant Attorney General,
on brief), for appellee.

John C. Phillips appeals a decision of the Workers' Compensation Commission finding that he failed to prove he suffered a compensable injury by accident on August 16, 2004, on the ground that he failed to prove the occurrence of an obvious sudden shock or fright arising out of the course of his 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 Phillips v. Red Onion State Prison/Commonwealth of Virginia, VWC File No. 220-38-41 (Feb. 6, 2006). 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.

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