

COURT OF APPEALS OF VIRGINIA

Present: Judges Bumgardner, Kelsey and Senior Judge Hodges

UNINSURED EMPLOYER'S FUND

v. Record No. 0700-05-2

JOSEPH C. MENDES

MEMORANDUM OPINION*
PER CURIAM
JULY 5, 2005

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Judith Williams Jagdmann, Attorney General; John J. Beall, Jr.,
Senior Assistant Attorney General; Donald G. Powers, Senior
Assistant Attorney General, on briefs), for appellant.

(George L. Townsend; The Chandler Law Group, on brief), for
appellee.

The Uninsured Employer's Fund ("the Fund") appeals a decision of the Workers' Compensation Commission finding that Joseph C. Mendes proved he (1) cured his previous unjustified refusal of vocational rehabilitation services; (2) made reasonable, appropriate, and adequate efforts to market his residual work capacity by March 1, 2004; and (3) was entitled to an award of temporary total disability benefits beginning March 1, 2004 and continuing. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the commission in its final opinion, see Mendes v. Phillip Chan t/a Yuan Ho Carry Out, VWC File No. 191-42-35 (Feb. 14, 2005), and in its order denying the Fund's motion for reconsideration, see Mendes v. Phillip Chan t/a Yuan Ho Carry Out, VWC File No. 191-42-35 (March 4, 2005). We dispense with oral argument and summarily affirm because the facts and

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

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.