

COURT OF APPEALS OF VIRGINIA

Present: Judges Kelsey, Petty and Senior Judge Bumgardner

HILARIO HERNANDEZ

v. Record No. 0763-11-2

OUTBACK STEAKHOUSE AND
TRAVELERS INDEMNITY COMPANY OF AMERICA

MEMORANDUM OPINION*
PER CURIAM
AUGUST 9, 2011

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Leah Eads Hernandez; Dygert, Wright, Hobbs & Heilberg, PLC, on
brief), for appellant.

(Lisa Frisina Clement; PennStuart, on brief), for appellees.

Hilario Hernandez (claimant) appeals a decision of the Workers' Compensation Commission asserting the commission erred in (1) concluding there was no evidence of a slippery substance on the floor immediately preceding claimant's fall; (2) finding there was no testimony describing claimant's activities immediately before he was injured; (3) finding claimant's accident did not arise out of a risk or hazard of his employment; (4) finding there was no evidence of a "critical link" between a work-related risk and the accident; and (5) finding there was no evidence claimant was performing a job duty that made his fall more likely. 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 Hernandez v. Outback Steakhouse, VWC File No. VA000-0006-2839 (Mar. 22, 2011). We dispense with oral argument and summarily affirm because the facts and legal contentions are

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

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.