

COURT OF APPEALS OF VIRGINIA

Present: Judges Elder, Alston and Senior Judge Willis

CITY OF FREDERICKSBURG AND
VML INSURANCE PROGRAMS

v. Record No. 0833-12-2

JUANNA GRIJALVA

MEMORANDUM OPINION^{*}
PER CURIAM
SEPTEMBER 4, 2012

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Ralph L. Whitt, Jr.; Whitt & Del Bueno, PC, on brief), for
appellants.

(Leila H. Kilgore; Kilgore & Smith, on brief), for appellee.

The City of Fredericksburg and VML Insurance Programs (collectively appellants) appeal a decision of the Workers' Compensation Commission (the commission) awarding temporary total disability benefits to Juanna Grijalva, beginning July 27, 2011 to the present and continuing. On appeal, appellants argue the commission erred in: (1) finding Grijalva reasonably marketed her residual work capacity; and (2) holding that the determination as to whether Grijalva conducted a good faith job search was "best based on the deputy commissioner's observations" of her demeanor and credibility regarding her marketing efforts rather than basing its findings on whether Grijalva satisfied the commission's marketing guidelines and the analysis set forth in National Linen Serv. v. McGuinn, 8 Va. App. 267, 380 S.E.2d 31 (1989).¹ We have reviewed the record and the commission's opinion and find that this

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

¹ We note that in its opinion, the commission cited to National Linen and listed a number of the factors addressed in that case in determining whether a claimant has made a reasonable effort to market his residual capacity. See id. at 272, 380 S.E.2d at 34-35.

appeal is without merit. Accordingly, we affirm for the reasons stated by the commission in its final opinion. See Grijalva v. City of Fredericksburg, VWC File No. VA00000246998 (Apr. 10, 2012). 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.