

COURT OF APPEALS OF VIRGINIA

Present: Judges Humphreys, Beales and Senior Judge Fitzpatrick

THE KROGER COMPANY AND
CONTINENTAL CASUALTY COMPANY

v. Record No. 0845-06-3

DIANE L. ROULEAU

MEMORANDUM OPINION*
PER CURIAM
AUGUST 15, 2006

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Mary Beth Nash; Frankl, Miller & Webb, LLP, on brief), for
appellants.

(Diane L. Rouleau, *pro se*, on brief).

Kroger Company and its insurer (hereinafter referred to as “employer”) appeal a decision of the Workers’ Compensation Commission finding that Diane L. Rouleau’s decision to refuse employer’s offer of selective employment was reasonable and not unjustified. 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 Rouleau v. Kroger Company, VWC File No. 202-53-23 (Mar. 7, 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.