

COURT OF APPEALS OF VIRGINIA

Present: Judges McCullough, Decker and Senior Judge Felton

FAIRFAX COUNTY SCHOOL BOARD

v. Record No. 0934-15-4

CAROLYN WASHINGTON

MEMORANDUM OPINION*
PER CURIAM
OCTOBER 13, 2015

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Michael N. Salveson; Charles F. Trowbridge; Littler Mendelson,
P.C., on briefs), for appellant.

(Kathleen Grace Walsh, on brief), for appellee.

Fairfax County School Board (hereinafter “employer”) appeals a decision of the Workers’ Compensation Commission (hereinafter “the commission”) finding that Carolyn Washington’s stroke was caused by her workplace accident on February 18, 2014. Appellant also asserts that the commission’s May 15, 2015 opinion failed to meet the minimum requirements for a review opinion established by Code § 65.2-705.

We have reviewed the record and the commission’s opinion and find that this appeal is without merit. With respect to the first assignment of error, we affirm for the reasons stated by the commission in its final opinion. See Washington v. Fairfax Cnty. Pub. Schs., JCN VA00000896605 (May 15, 2015). With respect to the argument raised in the second assignment of error, employer has failed to include a reference to the page(s) of the record where that argument was preserved below, as required by Rule 5A:20(c). Furthermore, the appendix contains no objection from employer regarding the adequacy of the commission’s opinion for

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

purposes of Code § 65.2-705. See e.g., Layne v. Crist Elec. Contr., Inc., 62 Va. App. 632, 644, 751 S.E.2d 679, 685 (2013) (“a challenge to the authority of the commission [i]s subject to being waived . . . ” (quoting Hitt Constr. v. Pratt, 53 Va. App. 422, 434, 672 S.E.2d 904, 909 (2009))). Accordingly, employer has failed to preserve this argument for appeal. Rule 5A:18. Finally, employer does not ask that the Court consider this argument to attain the ends of justice, and we decline to engage in such an analysis *sua sponte*. See Edwards v. Commonwealth, 41 Va. App. 752, 761, 589 S.E.2d 444, 448 (2003) (*en banc*). We therefore will not consider this assignment of error.

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.