

COURT OF APPEALS OF VIRGINIA

Present: Judges Benton, Coleman and Willis

JOHN JAY FLANNER

v. Record No. 0944-96-3

BETTY HARRIS FLANNER

MEMORANDUM OPINION*
PER CURIAM
DECEMBER 10, 1996

FROM THE CIRCUIT COURT OF TAZEWELL COUNTY
Donald R. Mullins, Judge

(Gary G. Gilliam; McAfee & Associates, P.C.,
on brief), for appellant.

(Robert M. Galumbeck; Dudley, Galumbeck &
Simmons, on brief), for appellee.

John Jay Flanner (husband) appeals the decision of the circuit court awarding medical benefits and spousal support to Betty Harris Flanner (wife). Husband contends that the trial court erred in (1) awarding wife medical benefits where wife failed to prove constructive desertion; and (2) awarding wife spousal support without considering the statutory factors. Upon reviewing the record and briefs of the parties, we conclude that this appeal is without merit. Accordingly, we summarily affirm the decision of the trial court. Rule 5A:27.

"No ruling of the trial court . . . will be considered as a basis for reversal unless the objection was stated together with the grounds therefor at the time of the ruling" Rule 5A:18. Thus, the Court of Appeals will not consider an argument

*Pursuant to Code § 17-116.010 this opinion is not designated for publication.

on appeal which was not presented to the trial court. Jacques v. Commonwealth, 12 Va. App. 591, 593, 405 S.E.2d 630, 631 (1991).

The record contains no evidence that husband raised before the trial court the challenges to the payment of medical benefits and spousal support which he now raises on appeal. The order from which this appeal is taken was endorsed by husband's counsel "Seen and Objected to." No transcript was filed and the written statement of facts does not indicate that husband raised the arguments which form the basis for his appeal. "We cannot assume that appellant's objection and reasons were proffered but not made a part of the record." Lee v. Lee, 12 Va. App. 512, 516, 404 S.E.2d 736, 738 (1991) (en banc).

Accordingly, Rule 5A:18 bars our consideration of these questions on appeal. Moreover, the record does not reflect any reason to invoke the good cause or ends of justice exceptions to Rule 5A:18. Therefore, the decision of the circuit court is summarily affirmed.

Affirmed.