

COURT OF APPEALS OF VIRGINIA

Present: Judges Kelsey, Beales and Senior Judge Clements  
Argued at Richmond, Virginia

CIRCHARO ACQUISITION CORPORATION AND  
AMERICAN HOME ASSURANCE COMPANY

v. Record No. 0948-08-4

BEULAH KAY SADLER

MEMORANDUM OPINION\*  
PER CURIAM  
FEBRUARY 24, 2009

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

John H. Carstens (Jimese Pendergraft Sherrill; Michelle L.  
Diamantes; Jordan Coyne & Savits, L.L.P., on briefs), for appellants.

James E. Swiger (Swiger & Cay, on brief), for appellee.

Circharo Acquisition Corporation appeals a decision of the Workers' Compensation Commission awarding loss-wage benefits to Beulah Kay Sadler. Among other grounds, Circharo argues the commission was improperly constituted to make a decision in this case. This issue was recently decided in Circharo's favor in Hitt Construction v. Pratt, 53 Va. App. \_\_\_, 670 S.E.2d \_\_\_ (Feb. 17, 2009). Under the interpanel accord doctrine, the "decision of one panel 'becomes a predicate for application of the doctrine of *stare decisis*' and cannot be overruled except by the Court of Appeals sitting *en banc* or by the Virginia Supreme Court." Clinchfield Coal Co. v. Reed, 40 Va. App. 69, 73, 577 S.E.2d 538, 540 (2003) (citation omitted); see also Congdon v. Congdon, 40 Va. App. 255, 265, 578 S.E.2d 833, 838 (2003).

Pursuant to Hitt Construction, we reverse the commission's decision and remand for reconsideration.

Reversed and remanded.

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