

## COURT OF APPEALS OF VIRGINIA

Present: Judges Frank, Huff and Senior Judge Haley

ISLAND CREEK COAL COMPANY AND  
WELLS FARGO DISABILITY

v. Record No. 0958-13-3

DANNY WILSON

MEMORANDUM OPINION\*  
PER CURIAM  
OCTOBER 8, 2013

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Nate D. Moore; Penn, Stuart & Eskridge, on brief), for appellants.

(Gerald F. Sharp, on brief), for appellee.

Island Creek Coal Company and Wells Fargo Disability appeal a decision of the Workers' Compensation Commission finding that Danny Wilson's current symptoms were causally related to a 1989 work injury and that he is entitled to payment of medical treatment and medication. Appellants claim the commission failed to consider two MRI reports in determining whether Wilson's symptoms were causally related to the 1989 injury, failure to consider the MRIs was not harmless error, and the commission shifted the burden of proof to the employer to demonstrate the symptoms were not causally related to the work injury. 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 Wilson v. Island Creek Coal Co., Consol. Coal Co., VWC File No. JCN 140-83-59 (Apr. 26, 2013). We dispense with oral argument and summarily affirm because the facts and legal contentions are adequately

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

presented in the materials before the Court and argument would not aid the decisional process.

See Code § 17.1-403; Rule 5A:27.

Affirmed.