

COURT OF APPEALS OF VIRGINIA

Present: Judges Elder, Beales and Senior Judge Annunziata

BERNARD LUIGI DINICOLA, JR.

v. Record No. 1010-09-4

TARGET CORPORATION

MEMORANDUM OPINION*
PER CURIAM
SEPTEMBER 22, 2009

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Bernard L. DiNicola, Jr., *pro se*, on brief).

(Joseph F. Giordano; Pia J. Miller; Semmes, Bowen & Semmes, on brief), for appellee.

Bernard Luigi DiNicola, Jr. appeals a decision of the Workers' Compensation Commission finding that his claim was barred by the doctrine of *res judicata*. 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 DiNicola v. Target Corp., VWC File No. 226-72-33 (Apr. 10, 2009). 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.