

COURT OF APPEALS OF VIRGINIA

Present: Judges Kelsey, Petty and Senior Judge Bumgardner

DEBORAH LYNN COOPER

v. Record No. 1083-07-4

BB&T CORPORATION AND
HARTFORD CASUALTY INSURANCE COMPANY

MEMORANDUM OPINION*
PER CURIAM
SEPTEMBER 4, 2007

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Jonathan S. Rochkind; Smith, Hudson & Carluzzo, P.C., on brief),
for appellant.

(Daniel E. Lynch; John T. Cornett, Jr.; Williams & Lynch, on brief),
for appellees.

Deborah Lynn Cooper (claimant) appeals a decision of the Workers' Compensation Commission finding that she failed to prove she sustained an injury by accident arising out of her employment on October 10, 2005. Claimant also asserts the commission erred when it failed to address the deputy commissioner's findings as to claimant's credibility.

With respect to the first question, 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 Cooper v. BB&T Corporation, VWC File No. 227-08-53 (April 3, 2007). 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.

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

With respect to the second question, claimant failed to file a motion for reconsideration or rehearing after the commission issued its April 3, 2007 review opinion in order to present the commission with the argument she now makes on appeal. Thus, Rule 5A:18 bars our consideration of this issue because claimant did not provide the commission with the opportunity to correct any perceived error. In these circumstances, we will not consider this argument for the first time on appeal. See Williams v. Gloucester Sheriff's Dep't, 266 Va. 409, 411, 587 S.E.2d 546, 548 (2003).

Affirmed.