

COURT OF APPEALS OF VIRGINIA

Present: Judges Humphreys, Beales and Senior Judge Fitzpatrick

GIANT FOOD, INC. #142 AND
AHOLD USA HOLDINGS, INC.

v. Record No. 1085-06-4

ONDRIA GRIFFIN

MEMORANDUM OPINION*
PER CURIAM
SEPTEMBER 5, 2006

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Terry D. Adams; Jordan Coyne & Savits, LLP, on briefs), for
appellants.

(Christopher Paul Schewe, on brief), for appellee.

Giant Food, Inc. #142 and its insurer (hereinafter referred to as “employer”) appeal a decision of the Workers’ Compensation Commission finding that Ondria Griffin (claimant) sustained her burden of proving ongoing disability and awarding her temporary total disability benefits based upon what employer claims are an incomplete medical diagnosis and inaccurate medical history.¹ We have reviewed the record and the commission’s opinion and find that this

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

¹ Employer presents one question on appeal: “Whether the Full Commission erred as a matter of law in finding that the claimant had sustained her burden of ongoing disability based on a medical diagnosis of incomplete and inaccurate medical history and awarding benefits against [employer]” However, in the “Principles of Law, Argument and Authorities” section of its brief, employer also argues that the commission erred in finding that claimant proved she sustained a compensable injury by accident on December 31, 2003, and in deferring to the deputy commissioner’s credibility determination with respect to whether claimant proved a compensable injury by accident. To the extent that employer argues those issues or any other issues not raised in its question presented, we will not address them on appeal. See Rule 5A:20(c)-(e); Hillcrest Manor Nursing Home v. Underwood, 35 Va. App. 31, 39 n.4, 542 S.E.2d 785, 789 n.4 (2001) (finding “an issue [was] not expressly stated among the ‘questions presented,’ . . . we, therefore, decline to consider [it] on appeal”).

appeal is without merit. Accordingly, we affirm for the reasons stated by the commission in its final opinion. See Griffin v. Giant Food, Inc. #142, VWC File No. 217-42-15 (Mar. 27, 2006). 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.