

COURT OF APPEALS OF VIRGINIA

Present: Judges Baker, Benton and Overton
Argued at Norfolk, Virginia

VIRGINIA DEPARTMENT OF TRANSPORTATION

v. Record No. 1145-96-1

FRANKLIN D. MEADE

MEMORANDUM OPINION* BY
JUDGE JAMES W. BENTON, JR.
NOVEMBER 26, 1996

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

Ingrid E. Olson, Assistant Attorney General
(James S. Gilmore, III, Attorney General;
Gregory Lucyk, Senior Assistant Attorney
General, on brief), for appellant.

Karen M. Rye (Melody L. Cockrell, on brief),
for appellee.

The Virginia Department of Transportation appeals from a decision of the Workers' Compensation Commission denying the Department's request to suspend an award of compensation to Franklin D. Meade. The Department raises three issues, which collectively assert that Meade was ineligible for workers' compensation benefits because Meade was receiving "wages" pursuant to the Workforce Transition Act.

For the reasons cogently stated in Department of Transp. v. Swiney, ___ Va. App. ___, ___ S.E.2d ___ (1996), we hold that payments made pursuant to the Workforce Transition Act are not "wages" for purposes of the Workers' Compensation Act. "The payments made [to Meade] pursuant to the [Workforce Transition

*Pursuant to Code § 17-116.010 this opinion is not designated for publication.

Act] agreement . . . were not for work performed or services rendered to [the Department] in anticipation of compensation, but were to induce [Meade] not to perform work for [the Department]."

Id. at ___, ___ S.E.2d at ___. Accordingly, we affirm the commission's decision.

Affirmed.