

COURT OF APPEALS OF VIRGINIA

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

VIRGINIA COMMONWEALTH UNIVERSITY

v. Record No. 1146-96-2

RICHARD LESLIE EDMUNDS

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.

B. Mayes Marks, Jr., for appellee.

Virginia Commonwealth University appeals from a decision of the Workers' Compensation Commission denying the University's request to suspend an award of compensation to Richard L. Edmunds. The University raises three issues, which collectively assert that Edmunds was ineligible for workers' compensation benefits because Edmunds 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 Edmunds] 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 University] in anticipation of compensation, but were to induce [Edmunds] not to perform work for [the University]." Id. at ___, ___ S.E.2d at ___. Accordingly, we affirm the commission's decision.

Affirmed.