

COURT OF APPEALS OF VIRGINIA

Present: Judges Kelsey, Petty and Senior Judge Bumgardner

GILBERT DENNIS MACDONALD

v. Record No. 1148-09-2

DRIVETIME AUTOMOTIVE GROUP, INC.
AND TRAVELERS INDEMNITY COMPANY
OF AMERICA

MEMORANDUM OPINION*
PER CURIAM
SEPTEMBER 15, 2009

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Teddy J. Midkiff; Goff & Midkiff, on brief), for appellant.

(Lisa Frisina Clement; Wendy E. Warren; PennStuart, on brief), for
appellees.

Gilbert Dennis Macdonald appeals a decision of the Workers' Compensation Commission finding that he failed to give timely notice of his accident and that his employer was prejudiced by the untimely notice. 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 Macdonald v. Drivetime Automotive Group, Inc., VWC File No. 237-46-42 (Apr. 27, 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.