

COURT OF APPEALS OF VIRGINIA

Present: Judges Elder, Clements and Senior Judge Annunziata

CLEVE CURRY

v. Record No. 1150-06-3

CONSOL ENERGY, INC.

MEMORANDUM OPINION*
PER CURIAM
SEPTEMBER 5, 2006

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Karel Brown Ryan, on brief), for appellant.

(John R. Sigmond; Penn, Stuart & Eskridge, on brief), for appellee.

Cleve Curry appeals a decision of the Workers' Compensation Commission finding that he (1) specifically declined to allege his post-traumatic stress disorder (PTSD) as an injury by accident; and (2) failed to prove that his PTSD constituted a compensable occupational disease. 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 Curry v. Consol Energy, Inc., VWC File No. 221-79-72 (April 5, 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.

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