

COURT OF APPEALS OF VIRGINIA

Present: Judges Petty, Chafin and Senior Judge Annunziata

WASHINGTON DULLES INTERNATIONAL AND
INS. CO. OF THE STATE OF PA.

v. Record No. 1169-14-4

ATIA ELYASS

MEMORANDUM OPINION*
PER CURIAM
NOVEMBER 12, 2014

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Dennis Boyd Cook; Midkiff, Muncie & Ross, P.C., on brief), for
appellants.

(W. David Falcon; Chasenboscolo Injury Lawyers, on brief), for
appellee.

Washington Dulles International and Ins. Co. of the State of Pa. (collectively “employer”) appeal the decision of the Workers’ Compensation Commission (“commission”) awarding Atia Elyass (“claimant”) temporary total disability benefits from January 3 through January 7, 2012 and finding that employer failed to establish the doctrine of res judicata barred the award. On appeal, employer argues that on August 17, 2012, a deputy commissioner determined claimant failed to prove an injury by accident, claimant did not request review of the order, claimant subsequently filed an additional claim, the claim was identical to the one denied by the August 17, 2012 order, and the doctrine of res judicata barred further litigation of the claim. 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 Elyass v. Washington Dulles Int’l, JCN 00000786796 (May 28, 2014). We

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

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.