

COURT OF APPEALS OF VIRGINIA

Present: Chief Judge Fitzpatrick, Judges Frank and Clements

DOLLAR GENERAL CORPORATION #0879/
DOLLAR GENERAL CORPORATION

v. Record No. 1172-04-4

TERESA HARTLEY

MEMORANDUM OPINION*
PER CURIAM
SEPTEMBER 14, 2004

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Richard D. Lucas; Lucas Law Firm, PLC, on briefs), for appellant.

(Andrew S. Kasmer; Chasen & Boscolo, P.C., on brief), for
appellee.

Dollar General Corporation #0879/Dollar General Corporation (employer) appeals a decision of the Workers' Compensation Commission denying its application seeking to terminate Teresa Hartley's (claimant) outstanding award of disability benefits. Employer contends the commission erred in not applying the correct legal standard in holding that (1) claimant's termination was not for justified cause; and (2) her termination was not tantamount to an unjustified refusal of selective employment. We have reviewed the record and the commission's opinion and find no reversible error. Accordingly, we affirm for the reasons stated by the commission in its final opinion. See Hartley v. Dollar General Corp. #0879, VWC File No. 214-35-68 (May 4, 2004). 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.