

COURT OF APPEALS OF VIRGINIA

Present: Judges Elder, Clements and Senior Judge Annunziata

JOHN DANIEL GRANTHAM

v. Record No. 1174-08-2

B & S LANDSCAPING, INC.,  
SEDGWICK CLAIMS MANAGEMENT SERVICES, INC.  
AND UNINSURED EMPLOYER'S FUND

MEMORANDUM OPINION\*  
PER CURIAM  
SEPTEMBER 23, 2008

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(John Daniel Grantham, *pro se*, on briefs).

(Paul R. Schmidt; Huff, Poole & Mahoney, P.C., on brief), for  
appellee Uninsured Employer's Fund.

No brief for appellees B & S Landscaping, Inc. or Sedgwick  
Claims Management Services, Inc.

John Daniel Grantham (claimant) appeals a decision of the Workers' Compensation Commission denying his claim for payment of (1) medical expenses, mileage reimbursement, and prescriptions associated with treatment rendered to him by Dr. Mark Romanoff; and (2) the cost of a gym membership and mileage to the gym. Pursuant to Rule 5A:21(b), The Uninsured Employer's Fund ("the Fund") raises the additional questions of whether the commission erred in finding (1) Dr. Dennis Cronin's chiropractic treatment and prescription for a VMS/Intellect Machine were medically necessary; and (2) Dr. Cronin's opinions were adequately supported by credible evidence.<sup>1</sup>

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

<sup>1</sup> The commission made additional findings that the deputy commissioner did not err in her handling of the hearing or in accepting the lay testimony of Reverend Long and that her decision did not reflect undue weight given to Long's testimony. Those findings are not before

Notwithstanding claimant's failure to comply with the requirements of Rule 5A:20 with respect to his opening brief, we have reviewed the parties' briefs, the record, and the commission's opinion and find that claimant's appeal is without merit. Based upon that review, we also find the questions raised on appeal by the Fund are without merit. Accordingly, we affirm for the reasons stated by the commission in its final opinion. See Grantham v. B & S Landscaping, Inc., VWC File No. 068-94-10 (April 25, 2008). 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.

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us on appeal. We also note that in summarily affirming the commission's decision, we considered only the evidence and issues properly before the commission when it rendered its decision.