

COURT OF APPEALS OF VIRGINIA

Present: Judges Humphreys, McCullough and Senior Judge Bumgardner

SCOTT FELTNER

v. Record No. 1179-14-3

H & S HOLDINGS, INC. AND
HARTFORD CASUALTY INS. CO.

MEMORANDUM OPINION*
PER CURIAM
OCTOBER 28, 2014

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Derrick W. Whetzel; BotkinRose PLC, on briefs), for appellant.
Appellant submitting on briefs.

(William H. Schladt; Godwin, Erlandson, Vernon & Daney, LLC, on
brief), for appellees. Appellees submitting on brief.

Scott Feltner appeals a decision of the Workers' Compensation Commission finding he failed to prove that his accident arose out of the employment. We have reviewed the record and the commission's opinion and find that this appeal is without merit. "The claimant [has] the burden of establishing, by a preponderance of the evidence, and not merely by conjecture or speculation, that [he] suffered an injury by accident which arose out of and in the course of the employment." Central State Hosp. v. Wiggers, 230 Va. 157, 159, 335 S.E.2d 257, 258 (1985). Feltner failed to bear the burden of proving that the accident arose out of employment. Accordingly, we affirm for the reasons stated by the commission in its final opinion. See Feltner v. H & S Holdings, Inc., VWC File No. VA00000277401 (May 27, 2014).

Affirmed.

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