

COURT OF APPEALS OF VIRGINIA

Present: Judges Alston, Chafin and Senior Judge Haley

KARIN LANDRY

v. Record No. 1189-15-1

ATLANTIC PROTECTIVE SERVICES AND
TRAVELERS INDEMNITY COMPANY OF
AMERICA

MEMORANDUM OPINION*
PER CURIAM
JANUARY 19, 2016

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Ralph Rabinowitz, on briefs), for appellant.

(Chanda W. Stepney; Law Offices of Mark J. Beachy, on brief), for
appellees.

Karin Landry (claimant) appeals the decision of the Workers' Compensation Commission (Commission) finding that claimant was not entitled to an award of temporary total disability benefits. On appeal, claimant argues that the Commission erred (1) when it ignored Deputy Commissioner Jenkins' September 10, 2013 decision crediting Dr. Holzer's opinion, which was not appealed and became the law of the case for the May 16, 2014 hearing; (2) when it failed to give great weight to Dr. Holzer's opinions because he treated claimant for years and his opinion was supported by medical evidence; (3) in finding that Dr. Holzer's conclusions were primarily premised on subjective complaints from claimant, that his conclusions were shaded in doubt, and that he assumed the role of medical advocate for claimant; (4) by not adopting a view of the medical evidence consistent with the dissenting opinion of Commissioner Marshall; (5) by not crediting Dr. Holzer's opinion above Dr. Ross' opinion; (6) in finding that Dr. Gold concluded

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

claimant was able to return to all pre-injury work when Dr. Gold imposed work restrictions of no lifting of more than fifteen pounds and no prolonged standing and walking¹; and (7) in holding that claimant sustained no disability from work.

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 opinion. See Landry v. Atl. Protective Servs., JCN VA00000424316 (July 6, 2015). 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.

¹ D. Wade McClenny, the president of Atlantic Protective Services, testified claimant's job did not require prolonged standing and walking and it did not require her to lift more than fifteen pounds.