

COURT OF APPEALS OF VIRGINIA

Present: Judges Bumgardner, Kelsey and Senior Judge Hodges

CHARLES FRANCIS CARTER

v. Record No. 1260-04-4

COUNTY OF ARLINGTON FIRE DEPARTMENT
AND THE SCHAFFER COMPANIES, LTD.

MEMORANDUM OPINION*
PER CURIAM
SEPTEMBER 7, 2004

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Charles F. Carter, *pro se*, on briefs).

(Susan A. Evans; Siciliano, Ellis, Dyer & Boccarosse, on brief), for
appellees.

Charles Francis Carter (claimant) appeals a decision of the Workers' Compensation Commission denying his request for a new panel of physicians based upon its finding that the panel of physicians offered by County of Arlington Fire Department (employer) to claimant was not defective.¹ 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 Carter v. County of Arlington Fire Department, VWC File Nos. 658-327, 150-32-83, 151-94-68 (April 23, 2004). We dispense with oral argument and summarily affirm

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

¹ Claimant also argues on appeal that employer improperly refused to provide claimant with copies of his medical records as requested. That issue was not before the deputy commissioner at the July 29, 2003 hearing. Consequently, neither the deputy commissioner nor the full commission addressed it in their respective opinions. Accordingly, we will not consider it for the first time on appeal. See Rule 5A:18.

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:27.²

Affirmed.

² Because we summarily affirm the commission's decision, we decline to address employer's motion to dismiss.