

COURT OF APPEALS OF VIRGINIA

Present: Judges Baker, Benton and Overton
Argued at Norfolk, Virginia

SANDLER FOODS
and
RELIANCE INSURANCE COMPANY

v. Record No. 1268-96-1

ALLEN L. GRAYS

MEMORANDUM OPINION*
BY JUDGE JOSEPH E. BAKER
DECEMBER 10, 1996

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

Sarah Y. M. Kirby (Mary Louise Kramer; S. Vernon Priddy, III; Sands, Anderson, Marks & Miller, on briefs), for appellants.

Ralph Rabinowitz (Rabinowitz, Rafal, Swartz, Taliaferro & Gilbert, P.C., on brief), for appellee.

Sandler Foods and Reliance Insurance Company (appellants) appeal from a decision of the Workers' Compensation Commission (commission) that awarded Allen L. Grays (claimant) compensation for temporary partial disability. Appellants contend that the commission erroneously held that a letter from claimant's counsel, when considered with other evidence before the commission, was not sufficient to advise relevant parties that claimant was making a claim for compensation benefits. Appellants further assert that claimant unjustifiably refused selective employment offered by appellants and therefore failed to market his residual skills. As the parties are knowledgeable

*Pursuant to Code § 17-116.010 this opinion is not designated for publication.

of the facts contained in the record, we need not recite them here.

We have reviewed the record and considered the arguments made on behalf of the respective parties. For the reasons stated in the commission's opinion, we affirm its decision.

Affirmed.