

COURT OF APPEALS OF VIRGINIA

Present: Judges Baker, Willis and Bray
Argued at Norfolk, Virginia

FAITH O. LAND

v. Record No. 1350-96-1

MEMORANDUM OPINION*
BY JUDGE JOSEPH E. BAKER
MAY 20, 1997

DePAUL HOSPITAL

AND

UNITED STATES FIDELITY & GUARANTY COMPANY

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

Matthew H. Kraft (Robert E. Walsh; Rutter &
Montagna, L.L.P., on brief), for appellant.

(Virginia McNeill Poindexter; Denton & Drash,
on brief), for appellees. Appellees
submitting on brief.

Faith O. Land (Land) appeals from a decision of the Workers' Compensation Commission (commission) that denied her claim for permanent total disability because the medical evidence did not establish a ratable loss of use of her lower extremities. Land asserts that Code § 65.2-503(C)(1) does not require a specific disability rating but rather is applicable where there has been a demonstrated "functional" loss of use of the scheduled members in any substantial degree in gainful employment.

As the parties are familiar with the facts presented in support of the claim, we need not recite them. Our review of the record discloses sufficient similarity to Cafaro Constr. Co. v. Strother, 15 Va. App. 656, 426 S.E.2d 489 (1993), and Hill v.

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

Woodford B. Davis, General Contractor, 18 Va. App. 652, 447
S.E.2d 237 (1994), to require that we are bound thereby.

Accordingly, for the reasons stated in those cases, we
affirm the commission's decision.

Affirmed.