

COURT OF APPEALS OF VIRGINIA

Present: Judges Frank, Clements and Haley

DICKENSON (COUNTY OF) SCHOOL BOARD AND
AMERICAN ALTERNATIVE INSURANCE CORPORATION

MEMORANDUM OPINION*

v. Record No. 1379-05-3

PER CURIAM

OCTOBER 11, 2005

BENNY E. SMITH

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Steven H. Theisen; Law Offices of Steven H. Theisen, P.C., on
brief), for appellants.

(Paul L. Phipps; Kerry S. Hay; Lee & Phipps, P.C., on brief), for
appellee.

Dickenson (County of) School Board and its insurer appeal a decision of the Workers' Compensation Commission finding that Benny E. Smith proved he adequately marketed his residual work capacity and awarding him temporary total disability benefits for May 27, 2004, and May 29, 2004, and continuing. 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 final opinion. See Smith v. Dickenson (County of) School Board, VWC File No. 208-74-32 (May 11, 2005). 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.

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