

COURT OF APPEALS OF VIRGINIA

Present: Judges Alston, Chafin and Senior Judge Haley

COCA-COLA REFRESHMENTS USA, INC.
AND INDEMNITY INSURANCE COMPANY
OF NORTH AMERICA

v. Record No. 1471-15-4

CRAIG THEIMER

MEMORANDUM OPINION*
PER CURIAM
JANUARY 26, 2016

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(David A. Obuchowicz; Midkiff, Muncie & Ross, P.C., on brief), for
appellants.

(Robert A. Mordhorst; Locklin & Mordhorst, on brief), for appellee.

Coca-Cola Refreshments USA, Inc. and Indemnity Insurance Company of North America (collectively employer) appeal the decision of the Workers' Compensation Commission (Commission) awarding Craig Theimer (claimant) medical and temporary total disability benefits for a lower back injury. On appeal, employer argues that the Commission erred when it (1) attributed claimant's back injury to a "twinge" claimant felt when claimant's testimony and the medical evidence related the injury to a "pop" felt by claimant when he twisted while stepping off a ladder; and (2) found that claimant described a compensable accident when claimant testified the injury occurred when he felt a "pop" in his lower back when he twisted while stepping off a ladder and failed to identify any increased risk of his employment caused by the ladder. 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

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

opinion. See Theimer v. Coca-Cola Refreshments USA, Inc., JCN VA00001007729 (Aug. 18, 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.