

COURT OF APPEALS OF VIRGINIA

Present: Judges Elder, Alston and Senior Judge Willis

INTERNATIONAL TECHNOLOGY INDUSTRY, INC.

v. Record No. 1486-12-4

DYLAN CANNON

MEMORANDUM OPINION*
PER CURIAM
JANUARY 22, 2013

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Bill Wang, *pro se*, on brief), for appellant.

No brief for appellee.

International Technology Industry, Inc. (employer) appeals a decision of the Workers' Compensation Commission finding that Dylan Cannon (claimant) suffered a compensable injury by accident on August 7, 2008 and provided timely notice of his injury to employer. Employer filed its opening brief with this Court on November 26, 2012. Upon receiving employer's brief, the Court instructed employer that its brief failed to comply with Rules 5A:4(b), 5A:4(d), 5A:20(c), 5A:20(d), 5A:20(e), and 5A:20(h), and instructed employer to submit a set of replacement pleadings. Rather than comply with that instruction, employer filed a letter with the Court on December 12, 2012 in which it asked the Court to review the opening brief as submitted.

Rule 5A:4(b) requires that the brief and appendix be properly bound. Rule 5A:4(d) requires that the certificate of the brief comply with the applicable word count limitation and state the number of words contained in the document. Rule 5A:20(c) requires that the brief include assignments of error. Rule 5A:20(d) requires that the brief include a statement of facts.

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

Rule 5A:20(e) requires that the brief include the standard of review to be applied with respect to each assignment of error. Rule 5A:20(h) requires that the certificate of the brief indicate whether oral argument is waived.

We find employer's failure to comply with these rules to be significant, so we will not consider its arguments. See Jay v. Commonwealth, 275 Va. 510, 520, 659 S.E.2d 311, 317 (2008). Accordingly, the issues are waived and the final judgment of the commission is summarily affirmed. Rule 5A:27.

Affirmed.