

COURT OF APPEALS OF VIRGINIA

Present: Judges Elder, Beales and Senior Judge Annunziata

BERNARD L. DINICOLA, JR.

v. Record No. 1587-09-4

TARGET CORPORATION

MEMORANDUM OPINION*
PER CURIAM
JANUARY 26, 2010

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Joseph T. Trapeni, Jr., on brief), for appellant.

(Joseph F. Giordano; Pia J. Miller; Semmes, Bowen & Semmes, on brief), for appellee.

Bernard DiNicola appeals a decision of the Workers' Compensation Commission finding that he failed to establish that the nine percent permanent partial disability of his right upper extremity was causally related to his workplace injury.¹ 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 DiNicola v. Target, VWC File No. 226-81-77 (June 16, 2009). 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.

¹ Appellant filed a reply brief and supplemental appendix *pro se*. Appellant is currently represented by counsel and failed to file a motion to proceed *pro se*. Because the supplemental filings are not properly before the Court, we will not consider them on appeal.