

COURT OF APPEALS OF VIRGINIA

Present: Judges Humphreys, Beales and Powell

BIG LOTS STORES, INC. AND
AMERICAN ZURICH INSURANCE COMPANY

v. Record No. 1853-08-3

GLADYS DELAINE MOORE

MEMORANDUM OPINION*
PER CURIAM
DECEMBER 23, 2008

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Richard M. Reed; Semmes, Bowen & Semmes, P.C., on brief), for
appellants.

(Robert L. Morrison, Jr.; Williams, Morrison, Light & Moreau, on
brief), for appellee.

Big Lots Stores, Inc. and its insurer (hereinafter referred to as “employer”) appeal a decision of the Workers’ Compensation Commission finding that (1) employer failed to prove Gladys Delaine Moore (claimant) refused recommended medical treatment; and (2) claimant proved she was temporarily totally disabled beginning August 24, 2006 and continuing.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 Moore v. Big Lots Stores, Inc., VWC File No. 223-02-61 (June 26, 2008). We dispense with oral argument and summarily affirm because the facts and legal contentions are adequately

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

¹ As noted by the commission in its opinion, the parties stipulated that claimant cured her alleged failure to cooperate with recommended medical treatment on August 29, 2007.

presented in the materials before the Court and argument would not aid the decisional process.

See Code § 17.1-403; Rule 5A:27.

Affirmed.