

COURT OF APPEALS OF VIRGINIA

Present: Judge McClanahan, Senior Judges Coleman and Annunziata

LEON S. McCREE

v. Record No. 1913-05-2

ENGLISH CONSTRUCTION COMPANY, INC. AND  
FIRST LIBERTY INSURANCE CORP.

MEMORANDUM OPINION\*  
PER CURIAM  
JANUARY 10, 2006

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(John H. Klein; Charlene Parker Brown; Montagna Klein Camden,  
LLP, on brief), for appellant.

(Roger L. Williams; John T. Cornett, Jr.; Williams & Lynch, on  
brief), for appellees.

Leon S. McCree appeals a decision of the Workers' Compensation Commission finding that he failed to prove that he injured his neck and shoulder in his compensable April 18, 2002 injury by accident, and denied his claim for disability benefits on the ground that he refused an offer of selective employment. We have reviewed the record and the commission's opinion and find that this appeal is without merit.<sup>1</sup> Accordingly, we affirm for the reasons stated by the commission in its final opinion. See McCree v. English Constr. Co., Inc., VWC File No. 214-54-01 (July 19, 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.

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

<sup>1</sup> In rendering this decision, we considered only that evidence which was part of the record before the commission when it rendered its decision.