

COURT OF APPEALS OF VIRGINIA

Present: Judges Kelsey, Petty and Senior Judge Bumgardner

BRIAN E. WALTON

v. Record No. 1934-09-2

HENRICO (COUNTY OF) DIVISION OF FIRE

MEMORANDUM OPINION*
PER CURIAM
DECEMBER 22, 2009

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Gregory S. Hooe; Marks & Harrison, P.C., on brief), for appellant.

(Ralph L. Whitt, Jr.; Brandon R. Jordan; Whitt & Del Bueno, PC, on brief), for appellee.

Brian E. Walton appeals a decision of the Workers' Compensation Commission denying temporary total disability benefits because he failed to market his residual work capacity. 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 Walton v. Henrico (County of) Fire, VWC File No. 237-08-07 (July 30, 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.