

COURT OF APPEALS OF VIRGINIA

Present: Judges Benton, Coleman and Willis

DELPHINA AVIN

v. Record No. 1961-96-1

ENERGY SERVICES, INC.
AND
TRAVELERS INSURANCE COMPANY

MEMORANDUM OPINION*
PER CURIAM
DECEMBER 17, 1996

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Robert Bruce Jones, on brief), for
appellant.

(Michelle ReDavid Rack; Huff, Poole and
Mahoney, on brief), for appellees.

Delphina Avin contends that the Workers' Compensation Commission erred in finding that she failed to prove that her bilateral carpal tunnel syndrome qualifies as a compensable occupational disease within the meaning of "disease" under the Worker's Compensation Act. Upon reviewing the record and the briefs of the parties, we conclude that this appeal is without merit. Accordingly, we summarily affirm the commission's decision. Rule 5A:27.

The record supports the commission's finding that "[t]he evidence does not show that [Avin's] carpal tunnel syndrome was caused by an injury by accident." Thus, this appeal is controlled by the Supreme Court's decision in The Stenrich Group v. Jemmott, 251 Va. 186, 467 S.E.2d 795 (1996). "[J]ob-related

*Pursuant to Code § 17-116.010 this opinion is not designated for publication.

impairments resulting from cumulative trauma caused by repetitive motion, however labeled or however defined, are as a matter of law, not compensable under the present provisions of the Act." Id. at 199, 467 S.E.2d at 802.

Accordingly, we affirm the commission's decision.

Affirmed.