

COURT OF APPEALS OF VIRGINIA

Present: Judges Humphreys, Beales and Powell

VCU HEALTH SYSTEM AUTHORITY

v. Record No. 1989-08-2

CLAUDIA BOUHAI DAR

MEMORANDUM OPINION*
PER CURIAM
JANUARY 13, 2009

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(James G. Muncie, Jr.; Angela F. Gibbs; Midkiff, Muncie & Ross,
P.C., on brief), for appellant.

(Jamie L. Karek; Geoffrey R. McDonald & Associates, P.C., on
brief), for appellee.

VCU Health System Authority (employer) appeals a decision of the Workers' Compensation Commission (1) finding that Claudia Bouhaidar (claimant) proved she sustained an injury by accident arising out of and in the course of her employment on April 9, 2007; and (2) deferring to the deputy commissioner's determination that claimant's testimony was credible.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 Bouhaidar v. VCU Health Sys. Auth., VWC File No. 233-34-63 (July 24, 2008). We dispense with oral argument and summarily affirm because the facts and legal contentions

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

¹ In its opening brief, employer does not challenge the commission's findings that claimant proved her right arm injury was a compensable consequence of the left arm injury nor does it challenge the commission's findings with regard to claimant's period of total disability. Thus, those issues are not before us.

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.

Claimant's request for attorney's fees and costs is denied.

Affirmed.