

## COURT OF APPEALS OF VIRGINIA

Present: Judges Alston, Chafin and Senior Judge Haley

FAIRFAX COUNTY

v. Record No. 2012-14-4

MATTHEW DOMYANCIC

MEMORANDUM OPINION\*

PER CURIAM

APRIL 14, 2015

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(David P. Bobzien, County Attorney; Peter D. Andreoli, Jr., Deputy County Attorney; Karen L. Gibbons, Senior Assistant County Attorney; Jamie M. Greenzweig, Assistant County Attorney, on brief), for appellant.

(Jack T. Burgess; Burgess & Perigard, PLLC, on brief), for appellee.

Fairfax County (hereinafter “employer”) appeals an October 27, 2014 decision of the Workers’ Compensation Commission awarding Matthew Domyancic medical benefits and attorneys’ fees.<sup>1</sup> 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 Domyancic v. Fairfax Cnty., JCN 2274883 (Oct. 27, 2014).<sup>2</sup> We dispense

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

<sup>1</sup> In a separate, related appeal, we affirmed the commission’s August 7, 2014 decision finding that Domyancic had not failed to report a return to work and that his psychiatric/psychological conditions were a compensable consequence of the original work injury. See Fairfax Cnty. v. Domyancic, Record No. 1625-14-4 (Apr. 14, 2015).

<sup>2</sup> We do not address employer’s argument that the medical records of Drs. Krochmal and Brod were inadmissible. Employer cites no ruling from the record excluding these records, and does not include their admissibility among its assignments of error on appeal. Rule 5A:20(c) requires an appellant’s opening brief to contain “[a] statement of the assignments of error with a clear and exact reference to the page(s) of the transcript, written statement, record, or appendix where each assignment of error was preserved in the trial court.” See Winston v. Commonwealth, 51 Va. App. 74, 82, 654 S.E.2d 340, 345 (2007) (where appellant did not include an argument in his questions presented (now assignments of error), the Court would not address it on appeal).

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.