

COURT OF APPEALS OF VIRGINIA

Present: Judge McClanahan, Senior Judges Coleman and Annunziata

JOHN D. McPHATTER

v. Record No. 2031-05-1

NORFOLK (CITY OF) SHERIFF'S OFFICE

MEMORANDUM OPINION*
PER CURIAM
JANUARY 10, 2006

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Matthew H. Kraft; Rutter Mills, L.L.P., on brief), for appellant.

(Joan E. Mahoney, Deputy City Attorney, on brief), for appellee.

John D. McPhatter (claimant) appeals a decision of the Workers' Compensation Commission finding that (1) Norfolk (City of) Sheriff's Office rebutted the presumption contained in Code § 65.2-402, because it proved that occupational stress did not cause claimant's heart condition and that there was a non-work-related cause of the heart attack; and (2) claimant failed to prove that his heart attack, if compensable, aggravated his psychological problems. 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 McPhatter v. Norfolk (City of) Sheriff's Office, VWC File No. 210-63-82 (July 26, 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.

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