

COURT OF APPEALS OF VIRGINIA

Present: Judges Benton, Humphreys and Senior Judge Overton

FERN HARRISON t/a  
H & S BUILDERS

v. Record No. 2073-05-3

FRANK H. HARTWICK

MEMORANDUM OPINION\*  
PER CURIAM  
DECEMBER 13, 2005

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Burton L. Albert, on brief), for appellant.

No brief for appellee.

Fern Harrison t/a H & S Builders appeals a decision of the Workers' Compensation Commission ruling that employer was subject to the commission's jurisdiction. Harrison contends it sustained its burden of proving it employed less than three employees regularly in service in the same business within the Commonwealth. We have reviewed the record and the commission's opinion, and we hold that this appeal is without merit. Accordingly, we affirm the commission's decision for the reasons stated by the commission in its final opinion. See Hartwick v. Fern Harrison t/a H & S Builders, VWC File No. 220-92-74 (Aug. 8, 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.

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