

COURT OF APPEALS OF VIRGINIA

Present: Judges Elder, Clements and Senior Judge Annunziata

TUCKAHOE YMCA AND
MANUFACTURERS ALLIANCE
INSURANCE COMPANY

v. Record No. 2126-07-2

KRISTEN ROBERTS SHORES

MEMORANDUM OPINION*
PER CURIAM
JANUARY 15, 2008

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Arthur T. Aylward; Angela F. Gibbs; Midkiff, Muncie & Ross,
P.C., on brief), for appellants.

(Louis D. Snesil; Marks & Harrison, on brief), for appellee.

Tuckahoe YMCA and its insurer (hereinafter referred to as “employer”) appeal a decision of the Workers’ Compensation Commission finding that Dr. Matthew W. Marchal is Kristen Roberts Shores’ (claimant) treating physician and that the referral by Dr. Daniel C. Martin to Dr. Marchal was valid.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

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

¹ In rendering our decision, we did not address employer’s contentions that the commission erred in failing to order compliance with Dr. Martin’s recommendation that claimant undergo detoxification or that it erred in failing to order treatment with a pain management specialist. Employer did not raise those specific issues on review. Rather, employer’s written statement on review argued that the evidence did not warrant designation of Dr. Marchal as the treating physician. Moreover, employer never obtained any ruling from the commission on those specific issues, and we will not address them for the first time on appeal. See Rule 5A:18. If employer believed the commission failed to address an issue, it should have timely filed a motion for reconsideration or rehearing to bring that to the commission’s attention so that it could correct any perceived error. See Williams v. Gloucester Sheriff’s Dep’t, 266 Va. 409, 411, 587 S.E.2d 546, 548 (2003).

commission in its final opinion. See Shores v. Tuckahoe YMCA, VWC File No. 204-70-70 (Aug. 2, 2007). 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.