

COURT OF APPEALS OF VIRGINIA

Present: Judges Benton, Humphreys and Senior Judge Overton

GOODYEAR TIRE & RUBBER COMPANY AND
LIBERTY INSURANCE CORP.

v. Record No. 2054-05-3

BRYANT O. COVINGTON

BRYANT O. COVINGTON

MEMORANDUM OPINION*
PER CURIAM
JANUARY 17, 2006

v. Record No. 2132-05-3

GOODYEAR TIRE & RUBBER COMPANY AND
LIBERTY INSURANCE CORP.

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(James A. L. Daniel; Brian R. Charville; Janine M. Jacob; Daniel, Vaughan, Medley & Smitherman, P.C., on briefs), for Goodyear Tire & Rubber Company and Liberty Insurance Corp.

(Phillip B. Baker; Sanzone & Baker, P.C., on briefs), for Bryant O. Covington.

The parties each appeal from an August 5, 2005 decision of the Workers' Compensation Commission. Goodyear Tire & Rubber Company and its insurer (collectively referred to hereinafter as "employer") contend the commission erred in ruling that (1) Bryant O. Covington proved he sustained an injury by accident on January 14, 2004, and (2) employer is responsible for Covington's treatment with Dr. Robert E. Cassidy. Covington contends the commission erred in ruling that (1) he was under light duty work restrictions from April 19, 2004 and continuing, and (2) he did not adequately market his residual work capacity during that period.

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

We have reviewed the record and the commission's opinion, and we hold that these appeals are without merit. Accordingly, we affirm the commission's decision for the reasons stated by the commission in its final opinion. See Covington v. The Goodyear Tire and Rubber Company, VWC File No. 217-33-05 (Aug. 5, 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.