

COURT OF APPEALS OF VIRGINIA

Present: Judges Benton, Coleman and Willis

NED N. CARY, JR.

v. Record No. 2179-99-1

ANHEUSER-BUSCH, INC.

AND

CIGNA INSURANCE COMPANY

MEMORANDUM OPINION*

PER CURIAM

NOVEMBER 9, 1999

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Ned N. Cary, Jr., pro se, on briefs).

(William C. Walker; Donna White Kearney;
Taylor & Walker, P.C., on brief), for
appellees.

Ned N. Cary, Jr. contends that the Workers' Compensation Commission erred in refusing to order reinstatement of his employment with Anheuser-Busch, Inc. on the ground that employer violated his civil rights when it terminated him for refusing to sign a consent form for drug testing. Upon reviewing the record and the briefs of the parties, we conclude that this appeal is without merit. Accordingly, we summarily affirm the commission's decision. See Rule 5A:27.

"Generally, the Commission's jurisdiction is limited to those issues which are directly or necessarily related to the right of an employee to compensation for a work-related injury."

* Pursuant to Code § 17.1-413, recodifying Code § 17-116.010, this opinion is not designated for publication.

Hartford Fire Ins. Co. v. Tucker, 3 Va. App. 116, 120, 348

S.E.2d 416, 418 (1986). The civil rights issues raised by Cary and the relief sought, reinstatement of employment, do not fall within the purview of the commission's jurisdiction.

Accordingly, the commission did not err in holding that it had no jurisdiction over those issues.

In addition, the commission did not err in finding that the doctrine of res judicata prohibited it from reconsidering the issues previously decided in its February 28, 1997 opinion, which was affirmed by this Court on July 8, 1997. See Cary v. Anheuser Busch, Record No. 0781-97-1 (Va. Ct. App. July 8, 1997).

For these reasons, we affirm the commission's decision.

Affirmed.