

COURT OF APPEALS OF VIRGINIA

Present: Judges Kelsey, Petty and Senior Judge Bumgardner

DARIN JUSTUS

v. Record No. 2253-11-4

FLUOR-LANE, LLC AND
CONTINENTAL CASUALTY COMPANY

MEMORANDUM OPINION*
PER CURIAM
MARCH 6, 2012

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(M. Thomas McWeeny; Koonz, McKenney, Johnson, DePaolis & Lightfoot, L.L.P., on brief), for appellant.

(Mark A. Stallings, on brief), for appellees.

Darin Justus, claimant, appeals the decision of the Workers' Compensation Commission finding that he failed to prove a left leg condition was a compensable consequence of a right leg injury. Claimant argues there being no conflicting evidence presented by Fluor-Lane, LLC, the commission erred in failing to give weight to his testimony and his medical records that his left knee pain was the result of the compensable work injury.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 commission in its final opinion. See Justus v. Fluor-Lane, LLC, VWC File No. VA02000001517 (Oct. 20, 2011). We dispense with oral argument and summarily affirm

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

¹ In response to an inquiry by claimant, claimant's treating orthopedic surgeon for the right knee injury wrote that claimant suffered no injury to his left knee. "Determination of causation is a factual finding." Amelia Sand Co. v. Ellyson, 43 Va. App. 406, 408, 598 S.E.2d 750, 751 (2004).

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.