

COURT OF APPEALS OF VIRGINIA

Present: Judges Kelsey, Petty and Retired Judge Hodges*

MOORE BROTHERS COMPANY, INC. AND
COMMONWEALTH CONTRACTOR'S GROUP
SELF-INSURANCE ASSOCIATION

v. Record No. 2301-09-4

JESSE DANIEL WOLFE

MEMORANDUM OPINION**

PER CURIAM

FEBRUARY 16, 2010

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(J. David Griffin; Winchester Law Group, P.C., on brief), for
appellants.

(Robert B. Guntharp; Richie Law Firm, P.L.C., on brief), for
appellee.

Moore Brothers Company, Inc., and its insurer, Commonwealth Contractor's Group Self-Insurance Association (employer) appeal a decision of the Workers' Compensation Commission (1) concluding claimant sustained a permanent total impairment and that he qualified for lifetime disability benefits; (2) relying upon Dr. Hensley's expert testimony that claimant could not obtain a job in the competitive labor market; (3) finding claimant proved he was unable to use his arms in any gainful employment; and (4) rejecting the employer's rehabilitation consultant's testimony because the consultant had not assisted claimant in obtaining a job in the ten years since claimant's injury. We have reviewed the record and the commission's opinion and find that this appeal is without merit. Accordingly, we affirm for the

* Retired Judge Hodges took part in the consideration of this case by designation pursuant to Code § 17.1-400(D).

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

reasons stated by the commission in its final opinion. See Wolfe v. Moore Bros. Co., VWC File No. 189-60-79 (Sept. 18, 2009). 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.