

COURT OF APPEALS OF VIRGINIA

Present: Judges Frank, McClanahan and Senior Judge Willis

RICHARD L. BAILEY

v. Record No. 2402-08-4

TRULAND SYSTEMS CORPORATION AND
HARTFORD CASUALTY INSURANCE COMPANY

MEMORANDUM OPINION*
PER CURIAM
FEBRUARY 3, 2009

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Julie H. Heiden; Koonz, McKenney, Johnson, DePaolis &
Lightfoot, L.L.P., on brief), for appellant.

(John T. Cornett, Jr.; Daniel E. Lynch & Associates, on brief), for
appellees.

Richard L. Bailey (claimant) appeals a decision of the Workers' Compensation Commission finding that he failed to prove he was totally disabled from July 9, 2004 through November 7, 2004, due to his compensable injury by accident.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 Bailey v. Truland Systems Corp., VWC File No. 217-10-25 (Sept. 3, 2008). We dispense with oral argument and summarily affirm because the facts and legal contentions are adequately presented in the

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

¹ Claimant does not challenge the commission's finding that even if claimant proved he was partially disabled, he failed to prove he adequately marketed his residual work capacity during the period in question. Therefore, that finding is binding and conclusive upon us.

materials before the Court and argument would not aid the decisional process. See Code
§ 17.1-403; Rule 5A:27.

Affirmed.