

COURT OF APPEALS OF VIRGINIA

Present: Judges Humphreys, Huff and Senior Judge Clements

TYSON FOODS, INC.

v. Record No. 2460-11-1

KEITH PARKER

MEMORANDUM OPINION*
PER CURIAM
MAY 15, 2012

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(R. Ferrell Newman; Newman & Wright, RLLP, on brief), for
appellant.

(Kevin L. Hubbard; Hubbard Law Office, PC, on brief), for appellee.

Tyson Foods, Inc. (hereinafter referred to as employer) appeals a decision of the Workers' Compensation Commission awarding Keith Parker (claimant) temporary total disability benefits. Employer contends the commission erred by 1) finding that claimant's termination "did not effect a forfeiture of his entitlement to the payment of disability during subsequent periods of partial incapacity," and 2) "finding that the claimant could cure an unjustified refusal of employment by an unsuccessful effort at marketing." 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 Parker v. Tyson Foods, Inc., JCN VA000-0006-4544 (Dec. 1, 2011). 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.

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

Affirmed.