

COURT OF APPEALS OF VIRGINIA

Present: Judges Frank, McClanahan and Senior Judge Willis

FLIPPO LUMBER CORPORATION AND
WOOD PRODUCTS OF VIRGINIA GROUP
SELF-INSURANCE ASSOCIATION/SEDGWICK
CLAIMS MANAGEMENT SERVICE, INC.

MEMORANDUM OPINION*
PER CURIAM
APRIL 8, 2008

v. Record No. 2512-07-2

DEBORAH ANN TOMLIN/THE ESTATE
OF RANDAL CARY TOMLIN

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Andrew R. Blair; Blair Law Offices, on briefs), for appellants.

(Jean M. McKeen; Tomlin & McKeen, PLLC, on brief), for
appellee.

Flippo Lumber Corporation and its insurer (hereinafter referred to as “employer”) appeal a decision of the Workers’ Compensation Commission finding employer failed to sustain its burden of proving under Code § 65.2-306 that Randal Cary Tomlin (deceased) committed willful misconduct, which barred the claim filed by Deborah Ann Tomlin. 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 Tomlin v. Flippo Lumber Corp., VWC File No. 221-75-61 (Oct. 3, 2007). 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.

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