

COURT OF APPEALS OF VIRGINIA

Present: Judges Elder, Beales and Senior Judge Annunziata

UPDIKE INDUSTRIES, INC. AND
COMMERCE & INDUSTRY INSURANCE COMPANY

v. Record No. 2540-10-4

ANTHONY LIONELL THACKER, III

MEMORANDUM OPINION*
PER CURIAM
MAY 3, 2011

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Alex M. Mayfield; Jordan Coyne & Savatis, LLP, on brief), for
appellants.

No brief for appellee.

Urdike Industries, Inc., and its insurer, Commerce & Industry Insurance Company, (collectively "employer") appeal a decision of the Workers' Compensation Commission. Employer asserts the commission erred in awarding benefits because appellee did not sustain an unexpected, accidental injury. Employer also contends the evidence was legally insufficient to establish the claimant sustained an injury by accident rather than a gradually-incurred injury or cumulative trauma. 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 Thacker v. Urdike Indus., Inc., VWC File No. VA00000040967 (Oct. 28, 2010). We dispense with oral argument and summarily affirm because the facts and legal

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

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.