

COURT OF APPEALS OF VIRGINIA

Present: Judges McClanahan, Haley and Senior Judge Willis

ERNEST L. McCOY

v. Record No. 2542-10-1

EHM CONSTRUCTION, INC. AND
UNINSURED EMPLOYER'S FUND

MEMORANDUM OPINION*
PER CURIAM
MAY 17, 2011

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Ernest L. McCoy, *pro se*, on brief).

(David B. Oakley; Huff, Poole & Mahoney, P.C., on brief), for
appellee Uninsured Employer's Fund.

No brief for appellee EHM Construction, Inc.

Ernest L. McCoy (claimant) appeals a decision of the Workers' Compensation Commission. He contends (1) the commission erred in failing to make travel arrangements for prospective witnesses to attend and testify at any hearings before the commission; (2) a rehearing should be granted because a witness for EHM Construction, Inc. (employer) lied in his deposition; and (3) the commission failed to fully understand or appreciate the danger of the work the claimant was required to conduct for the employer.

Rule 5A:20(e) mandates that the opening brief include "principles of law and authorities" relating to each assignment of error. An appellant has the burden of showing that reversible error was committed. See Lutes v. Alexander, 14 Va. App. 1075, 1077, 421 S.E.2d 857, 859 (1992). Mere unsupported assertions of error "do not merit appellate consideration." Buchanan v. Buchanan, 14 Va. App. 53, 56, 415 S.E.2d 237, 239 (1992).

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

Here, claimant did not comply with Rule 5A:20(e); the opening brief does not contain any principles of law, argument, or citation to legal authorities or the record to develop appellant's arguments.¹ Thus, we need not consider claimant's arguments. Theisman v. Theisman, 22 Va. App. 557, 572, 471 S.E.2d 809, 816, aff'd on reh'g en banc, 23 Va. App. 697, 479 S.E.2d 534 (1996).

We dispense with oral argument and summarily affirm; argument would not aid the decisional process. See Code § 17.1-403; Rule 5A:27.

Affirmed.

¹ Claimant also failed to demonstrate his arguments were preserved for appellate review as required by Rule 5A:18.