

COURT OF APPEALS OF VIRGINIA

Present: Judges Humphreys, Powell and Retired Judge Hodges \*

GARRY MULLINS

v. Record No. 2641-09-3

GARRY MULLINS AND  
GRANITE STATE INSURANCE COMPANY

MEMORANDUM OPINION\*\*  
PER CURIAM  
APRIL 27, 2010

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(James E. Monahan; Johnson, Monahan & Baker, P.L.C., on brief),  
for appellant.

(S. Vernon Priddy III; Christopher B. Lambert; Two Rivers Law  
Group, P.C., on brief), for appellees.

Garry Mullins (claimant) appeals a decision of the Workers' Compensation Commission finding (1) he failed to provide timely notice of his workplace injury to Granite State Insurance Company (insurer); and (2) failure to provide such notice prejudiced the insurer. Insurer raises two additional questions for review: (1) whether claimant is barred from arguing that the insurer was not prejudiced by any defect in notice because he failed to preserve this argument for appellate review; and (2) whether claimant may argue that evidence of prejudice to the carrier is germane when claimant failed to establish he had a reasonable excuse for failing to provide timely notice of his workplace injury. 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 Mullins v. Mullins, VWC File No. 233-94-99 (Oct.

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\* Retired Judge Hodges took part in the consideration of this case by designation pursuant to Code § 17.1-400(D).

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

28, 2009). 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.