

COURT OF APPEALS OF VIRGINIA

Present: Judges Kelsey, Petty and Senior Judge Bumgardner

SUMMIT REHABILITATION, P.C. AND
AMERICAN ZURICH INSURANCE COMPANY

v. Record No. 2676-07-1

CHRISTINE S. EDWARDS

MEMORANDUM OPINION*
PER CURIAM
MARCH 11, 2008

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Kevin D. Sharp; Taylor & Walker, P.C., on brief), for appellants.

(Ann K. Sullivan; Melissa Morris Picco; Crenshaw, Ware & Martin,
P.L.C., on brief), for appellee.

Summit Rehabilitation, P.C. and its insurer (hereinafter referred to as “employer”) appeal a decision of the Workers’ Compensation Commission awarding compensation benefits to Christine S. Edwards (claimant). Employer argues the commission erred by finding that claimant proved her March 7, 2006 injury by accident (1) arose out of her employment; and (2) occurred in the course of her employment. In its October 12, 2007 opinion, the commission specifically stated that employer’s assertion on review was that claimant’s accident did not arise out of the employment, and addressed that sole issue. Accordingly, because the commission did not address the “in the course of employment” issue on review, we are barred from considering it on appeal. See Rule 5A:18; see also Kendrick v. Nationwide Homes, Inc., 4 Va. App. 189, 192, 355 S.E.2d 347, 349 (1987).¹

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

¹ To the extent that employer’s written statement on review could be construed to raise the “in the course of employment” issue, employer failed to obtain a ruling from the commission on review on that issue by filing a motion for reconsideration or rehearing. Thus, we are barred

With respect to the “arising out of the employment” issue, 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 Edwards v. Summit Rehabilitation, P.C., VWC File No. 227-80-33 (Oct. 12, 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.

from considering it on appeal by Rule 5A:18. See Williams v. Gloucester Sheriff’s Dep’t, 266 Va. 409, 411, 587 S.E.2d 546, 548 (2003). Employer does not argue that we should invoke the exceptions to Rule 5A:18, and we decline to do so *sua sponte*. Edwards v. Commonwealth, 41 Va. App. 752, 761, 589 S.E.2d 444, 448 (2003) (*en banc*).