

COURT OF APPEALS OF VIRGINIA

Present: Judges Fitzpatrick, Overton and Senior Judge Hodges  
Argued at Salem, Virginia

TULTEX CORPORATION, ET AL.

v. Record No. 2734-95-3

JIM HENRY STANLEY

MEMORANDUM OPINION\* BY  
JUDGE NELSON T. OVERTON  
JULY 2, 1996

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

Martha White Medley (Daniel, Vaughan, Medley  
& Smitherman, on brief), for appellants.

Robert A. Williams (Williams, Luck and  
Williams, on brief), for appellee.

Tultex Corporation, the employer, appeals from an award of benefits to Jim Henry Stanley for an injury by accident he sustained during his employment. We find that credible evidence supports the findings of the commission and affirm the commission.

The parties are fully conversant with the record to this case, and a recitation of the facts is unnecessary to this memorandum opinion.

Guided by well established principles, we construe the evidence in the light most favorable to the party prevailing below. Crisp v. Brown's Tysons Corner Dodge, Inc., 1 Va. App. 503, 504, 339 S.E.2d 916, 916 (1986). "If there is evidence, or reasonable inferences can be drawn from the evidence, to support

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\*Pursuant to Code § 17-116.010 this opinion is not designated for publication.

the Commission's findings, they will not be disturbed on review, even though there is evidence in the record to support a contrary finding." Morris v. Badger Powhatan/Figgie Int'l, Inc., 3 Va. App. 276, 279, 348 S.E.2d 876, 877 (1986); see Code § 65.2-706. "In determining whether credible evidence exists," this Court will not "retry the facts, reweigh the preponderance of the evidence, or make its own determination of the credibility of the witnesses." Wagner Enters., Inc. v. Brooks, 12 Va. App. 890, 894, 407 S.E.2d 32, 35 (1991) (citation omitted). "[A] determination of causation is a factual finding." Ingersoll-Rand Co. v. Musick, 7 Va. App. 684, 688, 376 S.E.2d 814, 817 (1989).

From the medical evidence and testimony presented, the commission found that Stanley experienced a separate compensable accident. Having found in the record credible evidence to support this conclusion, we affirm the award of the commission.

Affirmed.