

COURT OF APPEALS OF VIRGINIA

Present: Judges McClanahan, Haley and Senior Judge Willis

BARBARA JEAN SMITH PLAUGER

v. Record No. 2805-09-4

SHENANDOAH MOTORS, INC. AND
VADA GROUP SELF-INSURANCE ASSOCIATION

MEMORANDUM OPINION*
PER CURIAM
APRIL 27, 2010

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(M. Thomas McWeeny; Koonz, McKenney, Johnson, DePaolis & Lightfoot, L.L.P., on brief), for appellant.

(Bryan M. Kirchner; Angela F. Gibbs; Midkiff, Muncie & Ross, P.C., on brief), for appellees.

Barbara Jean Smith Plauger (claimant) appeals a decision of the Workers' Compensation Commission finding Shenandoah Motors, Inc. and VADA Group Self-Insurance Association would have offered her light-duty work if she had not been terminated for cause. Claimant also contends the commission denied her due process of law by "imposing a permanent forfeiture of compensation for partial disability through the legal construct of 'constructive refusal of selective employment,'" when the commission failed to articulate what constitutes "justified cause" for termination or define who has the burden of proving justified cause. 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 Plauger v. Shenandoah Motors, Inc., VWC File No. 228-11-19 (Nov. 23, 2009). We dispense with oral argument and summarily affirm because the facts and legal contentions are adequately

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

presented in the materials before the Court and argument would not aid the decisional process.

See Code § 17.1-403; Rule 5A:27.

Affirmed.