

COURT OF APPEALS OF VIRGINIA

Present: Judges Benton, Humphreys and Senior Judge Overton

VIRGINIA LINEN SERVICE AND
LIBERTY MUTUAL INSURANCE COMPANY

v. Record No. 2866-05-2

MEMORANDUM OPINION*
PER CURIAM
MARCH 28, 2006

JOHN W. WISE, JR. (DECEASED),
SHANNON WISE, MAKAYLA ELIZABETH WISE,
JESSICA DIANNE WISE, JOHN MICHAEL WISE
AND MILTON E. WISE

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Roger T. Williams; John T. Cornett, Jr.; Williams & Lynch, on brief), for appellants.

(B. Mayes Marks, Jr.; Marks and Associates, P.C., on brief), for appellees John W. Wise (Deceased), Shannon Wise, Makayla Elizabeth Wise and Jessica Dianne Wise.

(Steven M. Oser, on brief), for appellees John Michael Wise and Milton E. Wise.

Virginia Linen Service and its insurer appeal a decision of the Workers' Compensation Commission finding that Shannon Wise, Makayla Elizabeth Wise, Jessica Dianne Wise, John Michael Wise, and Milton E. Wise, the beneficiaries of John W. Wise, Jr. (deceased), were not precluded pursuant to Code § 65.2-306 from recovering benefits under the Workers' Compensation Act based upon the deceased's alleged willful misconduct in failing to use a safety harness and the "buddy system." 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 Virginia Linen Service v. John W. Wise, Jr.

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

(Deceased), et al., VWC File No. 208-22-13 (Nov. 16, 2005). 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.