

COURT OF APPEALS OF VIRGINIA

Present: Judges Benton, Humphreys and Senior Judge Overton

NEWPORT NEWS SHIPBUILDING &
DRY DOCK COMPANY

v. Record No. 2871-04-1

WILLIE E. BOND

MEMORANDUM OPINION*
PER CURIAM
MARCH 29, 2005

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Lawrence P. Postol; Seyfarth Shaw LLP, on briefs), for appellant.

(Ralph Rabinowitz; Rabinowitz, Swartz, Taliaferro, Swartz &
Goodove, P.C., on brief), for appellee.

Newport News Shipbuilding & Dry Dock Company (employer) appeals a decision of the Workers' Compensation Commission. Employer contends the commission erred (1) in ruling the employer had the burden of proof and in finding Willie E. Bond was not required to market his residual earning capacity; (2) in finding Bond did not unjustifiably refuse selective employment and did not unjustifiably refuse to cooperate with vocational rehabilitation services; and (3) in ruling the commission was not bound by the decision of the administrative law judge rendered in Bond's Longshore & Harborworker's Compensation Act case. We have reviewed the record and the commission's opinion and find no reversible error. Accordingly, for the reasons stated by the commission in its final opinion, we affirm the commission's denial of employer's application to terminate or suspend Bond's outstanding award of temporary total disability compensation. See Bond v. Newport News Shipbuilding Dry Dock Co., VWC File No. 189-83-90 (Nov. 23, 2004). We dispense with oral argument and summarily affirm because

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

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.