

COURT OF APPEALS OF VIRGINIA

Present: Judges Benton, Humphreys and Senior Judge Overton

FEDERAL EXPRESS CORPORATION AND
SEDGWICK CLAIMS MANAGEMENT
SERVICES, INC.

v. Record No. 2921-03-1

MELVILLE EDWIN SANDEFUR

MEMORANDUM OPINION*
PER CURIAM
MARCH 9, 2004

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Douglas A. Seymour; Siciliano, Ellis, Dyer & Boccarosse, on brief),
for appellants.

(T. Gregory Evans; Joynes & Gaidies Law Group, P.C., on brief), for
appellee.

Federal Express Corporation and its insurer (hereinafter "employer") appeal a decision of the Workers' Compensation Commission finding that employer failed to prove that Melville Edwin Sandefur was no longer disabled as a result of his compensable October 21, 1998 injury by accident. 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 Sandefur's outstanding award of temporary total disability benefits. See Sandefur v. Federal Express Corp., VWC File No. 193-32-92 (Oct. 15, 2003). 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.

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

We grant Sandefur's request that employer pay attorney's fees for this appeal, and we remand to the commission to assess a reasonable fee.

Affirmed.