

COURT OF APPEALS OF VIRGINIA

Present: Judges Frank, Clements and Haley

C.E. THURSTON & SONS, INC. AND  
FIRST LIBERTY INSURANCE CORPORATION

v. Record No. 2979-05-2

FRANKLIN K. LAND

MEMORANDUM OPINION\*  
PER CURIAM  
APRIL 4, 2006

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

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

(Thomas J. Schilling; Schilling & Esposito, PLLC, on brief), for  
appellee.

C.E. Thurston & Sons, Inc. and its insurer appeal a decision of the Workers' Compensation Commission finding that Franklin K. Land adequately marketed his residual work capacity. 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 Land v. C.E. Thurston & Sons, Inc., VWC File No. 218-48-89 (December 8, 2005).<sup>1</sup> We dispense with oral argument and summarily affirm because the facts and legal

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

<sup>1</sup> The commission issued its original review opinion on November 8, 2005. Employer filed a Motion for Reconsideration of that opinion on November 14, 2005. In ruling upon that motion on December 8, 2005, the commission vacated its November 8, 2005 opinion, adopted the findings of fact and conclusions of law in that opinion, and reissued it with certain modifications pertaining to claimant's award of temporary partial disability benefits.

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.