

COURT OF APPEALS OF VIRGINIA

Present: Judges Benton, Haley and Senior Judge Coleman

AMERICAN RED CROSS

v. Record No. 3024-06-4

KAUSHLYA VERMA

MEMORANDUM OPINION*
PER CURIAM
APRIL 3, 2007

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Richard M. Reed; Semmes, Bowen & Semmes, on brief), for
appellant.

(Craig A. Brown; Ashcraft & Gerel, LLP, on brief), for appellee.

American Red Cross (employer) contends the Workers' Compensation Commission erred in (1) finding that employer failed to prove that Kaushlya Verma's current continuing disability was not causally related to her compensable June 23, 2003 injury by accident; and (2) ruling that Verma "was entitled to ongoing benefits despite her refusal of medical treatment."¹ We have reviewed the record and the commission's opinion and hold that this appeal is without merit. Accordingly, we affirm the award for the reasons stated by the commission in its final opinion. See Verma v. American Red Cross, VWC File No. 215-78-45 (Nov. 1, 2006). We dispense with

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

¹ The commission ruled that employer did not properly preserve for review the issue whether Verma refused medical treatment, noting employer failed to raise this issue before the deputy commissioner or in any filing previous to its written statement on review. Although employer argues on appeal it preserved the issue of refused medical treatment and gives reasons why this issue was properly before the commission on review, employer failed to file a motion for reconsideration or rehearing in order to present the commission with the argument employer now makes on appeal. Rule 5A:18 bars our consideration of this issue because employer did not provide the commission with the opportunity to correct any perceived error. In these circumstances, we will not consider this argument for the first time on appeal. See Williams v. Gloucester Sheriff's Dep't, 266 Va. 409, 411, 587 S.E.2d 546, 548 (2003).

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.