

COURT OF APPEALS OF VIRGINIA

Present: Chief Judge Moon, Senior Judges Cole and Duff

FRESH FIELDS MARKETS, INC.
AND
ROYAL INSURANCE COMPANY OF AMERICA

v. Record No. 1939-95-4
VALERIE SMITH

MEMORANDUM OPINION*
PER CURIAM
MARCH 19, 1996

FROM THE VIRGINIA WORKERS'
COMPENSATION COMMISSION

(Benjamin J. Trichilo; Trichilo, Bancroft, McGavin,
Horvath & Judkins, on briefs), for appellants.

(Metin A. Cay; Swiger & Cay, on brief), for appellee.

Fresh Fields Markets, Inc. and its insurer (hereinafter collectively referred to as "employer") contend that the Workers' Compensation Commission erred in finding that (1) Valerie Smith's tendinitis and myofascial pain syndrome qualify as occupational "diseases" under the Workers' Compensation Act ("the Act"); and (2) Smith made a reasonable effort to market her residual work capacity.

This appeal is controlled by the Supreme Court's decision in Stenrich Group v. Jemmott, ___ Va. ___, ___, ___ S.E.2d ___, ___ (1996) (holding that "job-related impairments resulting from cumulative trauma caused by repetitive motion, however labeled or however defined, are, as a matter of law, not compensable under the present provisions of the Act"). Because Stenrich is

*Pursuant to Code § 17-116.010 this opinion is not designated for publication.

dispositive of this appeal, we need not address employer's second question presented.

Accordingly, we reverse the commission's decision.

Reversed.