

COURT OF APPEALS OF VIRGINIA

Present: Judges Bray, Annunziata and Overton

SONJA LYNN WILLIAMS

v. Record No. 2113-96-2

BURGER KING

AND

TRAVELERS INDEMNITY COMPANY

MEMORANDUM OPINION*
PER CURIAM
DECEMBER 10, 1996

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Sonja L. Williams, pro se, on brief).

(William Orr Smith, on brief), for appellees.

Sonja Lynn Williams ("claimant") contends that the Workers' Compensation Commission ("commission") erred in finding that she failed to prove she sustained disability causally related to her March 17, 1987 compensable industrial accident. Upon reviewing the record and the briefs of the parties, we conclude that this appeal is without merit. Accordingly, we summarily affirm the commission's decision. Rule 5A:27.

On appeal, we view the evidence in the light most favorable to the prevailing party below. R.G. Moore Bldg. Corp. v. Mullins, 10 Va. App. 211, 212, 390 S.E.2d 788, 788 (1990). Unless we can say as a matter of law that claimant proved disability related to the March 17, 1987 accident, the commission's findings are binding and conclusive upon us. Tomko v. Michael's Plastering Co., 210 Va. 697, 699, 173 S.E.2d 833,

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

835 (1970).

Dr. Michael Decker's February 18, 1988 report, stating that claimant's costochondritis was unrelated to the burns she sustained at work, constituted the only medical evidence before the commission. Because no medical evidence established that claimant suffered from any disability causally related to her compensable accident, we cannot say as a matter of law that claimant's evidence sustained her burden of proof. Therefore, we affirm the commission's decision.

Affirmed.