

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DAVID LAWHORN,)
) No. 243, 2006
 Claimant/Appellant)
 Below Appellant,) Court Below: Superior Court
) of the State of Delaware in
 v.) and for New Castle County
)
 NEW CASTLE COUNTY,) C.A. No. 05A-06-007
)
 Employer/Appellees)
 Below Appellees.)

Submitted: October 4, 2006
Decided: November 15, 2006

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices.

ORDER

This 15th day of November, 2006, upon consideration of the parties' briefs and the record in this case, we find it manifest that the judgment below should be affirmed on the basis of the Superior Court's well-reasoned decision dated May 1, 2006 affirming the June 6, 2005 decision of the Industrial Accident Board. The Superior Court did not err in concluding that Lawhorn's petition for additional compensation due was time-barred by the five-year statute of limitations under 19 *Del. C.* § 2361(b) and that Lawhorn had failed to overcome this procedural hurdle.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

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