

COURT OF APPEALS OF VIRGINIA

Present: Judges Elder, Clements and Senior Judge Annunziata

STERLING R. BRICKEY, JR.

v. Record No. 1116-07-3

PARDEE COAL COMPANY, INC. AND
VALLEY FORGE INSURANCE COMPANY

MEMORANDUM OPINION*
PER CURIAM
SEPTEMBER 11, 2007

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(D. Allison Mullins; Lee & Phipps, P.C., on brief), for appellant.

(Ramesh Murthy; Penn, Stuart & Eskridge, on brief), for appellees.

Sterling R. Brickey, Jr. appeals a decision of the Workers' Compensation Commission finding that (1) his claim filed on January 23, 2006, alleging a back injury occurring on May 8, 1997, was barred by the two-year statute of limitations contained in Code § 65.2-601; (2) Pardee Coal Company and its insurer were not estopped from asserting the bar of the statute of limitations; (3) a *de facto* award did not exist; and (4) the doctrine of imposition did not apply to save his claim. 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 Brickey v. Pardee Coal Co., Inc., VWC File No. 186-35-42 (April 5, 2007). We dispense with 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.

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