

COURT OF APPEALS OF VIRGINIA

Present: Judges Frank, Clements and Haley

RONALD WAYNE AHERRON

v. Record No. 1493-05-3

TIMES FIBER COMMUNICATIONS, INC. AND
ST. PAUL TRAVELERS

TIMES FIBER COMMUNICATIONS, INC. AND
ST. PAUL TRAVELERS

MEMORANDUM OPINION*
PER CURIAM
OCTOBER 25, 2005

v. Record No. 1704-05-3

RONALD WAYNE AHERRON

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(James B. Feinman; James B. Feinman & Associates, on briefs), for
Ronald Wayne Aherron.

(James A.L. Daniel; M. Brent Saunders; Daniel, Vaughan, Medley &
Smitherman, P.C., on briefs), for Times Fiber Communications, Inc.
and St. Paul Travelers.

Ronald Wayne Aherron (claimant) appeals a decision of the Workers' Compensation Commission finding he failed to prove he made reasonable efforts to market his residual work capacity as of January 20, 2004 and continuing.¹ On cross-appeal, Times Fiber Communications, Inc. and its insurer contend the commission erred in finding claimant proved

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

¹ In his opening brief, claimant contends the commission erred in not awarding him temporary total disability benefits from August 1, 2003 and continuing. However, the commission's opinion indicates that claimant received permanent partial disability benefits from August 21, 2003, through January 9, 2004. The record supports that finding. Therefore, the period sought for temporary total disability benefits included July 18, 2003 through August 20, 2003, and January 10, 2004, and continuing.

he was entitled to an award of temporary total disability benefits from July 18, 2003 through August 20, 2003. We have reviewed the record and the commission's opinion and find that these appeals are without merit. Accordingly, we affirm for the reasons stated by the commission in its final opinion. See Aherron v. Times Fiber Communications, Inc., VWC File No. 209-43-39 (June 13, 2005). 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.