

COURT OF APPEALS OF VIRGINIA

Present: Judges Kelsey, Beales and Senior Judge Clements

MARVIN MARABLE

v. Record No. 2282-13-2

STAFFORD DETENTION CENTER/  
COMMONWEALTH OF VIRGINIA

MEMORANDUM OPINION\*  
PER CURIAM  
JUNE 17, 2014

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Marvin D. Marable, *pro se*, on briefs).

(Mark R. Herring, Attorney General; Rhodes B. Ritenour, Deputy Attorney General; Peter R. Messitt, Senior Assistant Attorney General; Scott John Fitzgerald, Senior Assistant Attorney General, on brief), for appellee.

Marvin Marable (claimant) appeals rulings of the Workers' Compensation Commission. Claimant alleges that the commission erred: 1) in refusing to award him temporary total disability benefits (TTD) and wages for July 1, 2009 through March 23, 2010 because he had not marketed his residual capacity to work; 2) in not awarding him TTD and lifetime medical benefits for a compensable injury by accident to his right shoulder, right hand, right wrist, and right arm; and 3) in not awarding him TTD and lifetime medical benefits for a compensable injury by accident associated with blunt force trauma to the chest and abdomen, and related conditions to the left leg and foot, stress and anxiety, stress gastritis and incontinence, and post-traumatic stress disorder.<sup>1</sup> We have reviewed the record and the commission's opinions and

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

<sup>1</sup> Claimant also argues that the commission erred in denying him his constitutional right to equal protection. Claimant did not raise this issue before the commission. "No ruling of the . . . Virginia Workers' Compensation Commission will be considered as a basis for reversal

find that this appeal is without merit. Accordingly, we affirm for the reasons stated by the commission in its opinions. See Marable v. Stafford Detention Ctr./Commonwealth of Virginia, VWC File No. VA0000068666 (June 26, 2012 and Oct. 31, 2013). 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.

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unless an objection was stated with reasonable certainty at the time of the ruling, except for good cause shown or to enable the Court of Appeals to attain the ends of justice.” Rule 5A:18. Rule 5A:18 applies to bar even constitutional claims. See Deal v. Commonwealth, 15 Va. App. 157, 161, 421 S.E.2d 897, 900 (1992). Accordingly, Rule 5A:18 bars our consideration of this issue on appeal.

Although Rule 5A:18 allows exceptions for good cause or to meet the ends of justice, appellant does not argue that we should invoke these exceptions. See e.g., Redman v. Commonwealth, 25 Va. App. 215, 221, 487 S.E.2d 269, 272 (1997) (“In order to avail oneself of the exception, a *defendant must affirmatively show* that a miscarriage of justice has occurred, not that a miscarriage might have occurred.” (emphasis added)). We will not consider, *sua sponte*, a “miscarriage of justice” argument under Rule 5A:18.

Edwards v. Commonwealth, 41 Va. App. 752, 761, 589 S.E.2d 444, 448 (2003) (*en banc*).