

COURT OF APPEALS OF VIRGINIA

Present: Judges Humphreys, McCullough and Senior Judge Bumgardner

RICKY D. HOWELL

v. Record No. 1985-13-3

MEMORANDUM OPINION*
PER CURIAM
FEBRUARY 25, 2014

WADE'S SUPERMARKETS 42,
ARGONAUT MIDWEST INSURANCE COMPANY,
JWB CONTRACTORS LLC AND
SELECTIVE WAY INSURANCE COMPANY

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Seth D. Scott; Kalfus & Nachman, P.C., on brief), for appellant.

(S. Vernon Priddy III; Cecil H. Creasy, Jr.; Two Rivers Law Group, on brief), for appellees Wade's Supermarkets 42 and Argonaut Midwest Insurance Company.

(Richard D. Lucas; Lucas & Kite, PLC, on brief), for appellees JWB Contractors LLC and Selective Way Insurance Company.

Ricky D. Howell appeals a decision of the Workers' Compensation Commission finding that the statute of limitations barred his claims. In addition, Wade's Supermarkets 42 and Argonaut Midwest Insurance Company argue in an assignment of cross-error that the commission erred in not addressing their argument "that there is no provision for a claimant to leap over an insured direct employer to seek to recover against a statutory employer." We have reviewed the record and the commission's opinion and find that this appeal and assignment of cross-error are without merit.¹ Accordingly, we affirm for the reasons stated by the commission

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

¹ In its opinion addressing the argument now advanced by the assignment of cross-error, the commission stated: "the claimant asserts that recovery against Wade's alone would be appropriate because of an issue of notice to his direct employer. Because we find these claims untimely, we do not reach any of these assignments of error."

in its final opinion. See Howell v. Wade's Supermarkets 42, VWC File No. JCN VA02000010704 (Sept. 11, 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.