

COURT OF APPEALS OF VIRGINIA

Present: Judges Kelsey, Beales and Senior Judge Clements

C&R COAL COMPANY AND
OLD REPUBLIC INSURANCE COMPANY

v. Record No. 0023-13-3

EURA DENNIS ROBERTS

MEMORANDUM OPINION*
PER CURIAM
MAY 7, 2013

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(S. Vernon Priddy III; Michael L. Goff, Jr.; Two Rivers Law Group,
P.C., on briefs), for appellants.

(John J. Gifford; Browning, Lamie & Gifford, P.C., on brief), for
appellee.

C&R Coal Company and Old Republic Insurance Company (appellants) appeal a decision of the Workers' Compensation Commission (commission) finding Roberts' claim for medical treatment is not barred by Code § 65.2-708. Appellants contend the commission erred in: (1) refusing to reconsider its review opinion; (2) applying Prophet v. Bullock Corp., 59 Va. App. 313, 718 S.E.2d 478 (2011), rather than following prior decisions from the Court of Appeals; and (3) failing to recognize Prophet was wrongly decided.

We have reviewed the record and the commission's opinion and find that this appeal is without merit. Accordingly, we affirm for the reason stated by the commission in its final opinion. See Roberts v. C&R Coal Co., JCN 121-06-28 (Dec. 3, 2012). We dispense with oral argument and summarily affirm because the facts and legal contentions are adequately presented

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

in the materials before the Court and argument would not aid the decisional process. See Code
§ 17.1-403; Rule 5A:27.

Affirmed.