

COURT OF APPEALS OF VIRGINIA

Present: Judges Kelsey, Petty and Senior Judge Bumgardner

UNITED PARCEL SERVICE, INC. AND
LIBERTY INSURANCE CORPORATION

v. Record No. 0047-10-1

MICHAEL ROGER MASTERSON

MEMORANDUM OPINION*
PER CURIAM
MAY 18, 2010

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Patricia C. Arrighi; PennStuart, on brief), for appellants.

(Philip J. Geib; Philip J. Geib, P.C., on brief), for appellee.

United Parcel Service, Inc. and Liberty Insurance Corporation (employer) appeal a decision of the Workers' Compensation Commission concluding Michael Roger Masterson (claimant) experienced a change in circumstances whereby his current back injuries required the commission to terminate an award of temporary total disability benefits resulting from his October 13, 2002 workplace injury and establish an award of temporary total disability benefits for a disability related to his August 27, 2007 workplace injury. Employer contends the commission was without authority to terminate the 2002 award because the deputy commissioner failed to address the issue in an evidentiary hearing. Employer also contends the commission erred in terminating the 2002 award instead of vacating the entire award based upon new medical evidence. 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 Masterson v. United Parcel Service, Inc., VWC File Nos. 212-13-72, 235-46-46

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

(Dec. 16, 2009). 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.