

COURT OF APPEALS OF VIRGINIA

Present: Judges Elder, Felton and Senior Judge Willis

BOSTON CONCRETE PRODUCTS AND
EMPLOYERS INSURANCE OF WAUSAU

v. Record No. 0164-05-3

THE ESTATE OF JOHNNIE ALAN WILKERSON

MEMORANDUM OPINION*
PER CURIAM
MAY 10, 2005

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(E. Albion Armfield; Frith Anderson & Peake, P.C., on brief), for
appellants.

(Stephen G. Bass; Carter Craig, Attorneys at Law, on brief), for
appellee.

Boston Concrete Products and its insurer (hereinafter referred to as “employer”) appeal a decision of the Workers' Compensation Commission refusing to terminate or suspend the outstanding award of death benefits in favor of Sandra O. Wilkerson (widow), and Brian Lee Rogers and Sabrina Kaye Rogers (dependents) (hereinafter collectively referred to as “claimant”). Employer contends the commission erred in (1) finding that claimant did not impair employer’s subrogation rights or lien; and (2) declining to afford employer equitable relief based upon the doctrine of laches. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the commission in its final opinion. See Wilkerson et. al. v. Boston Concrete Products, VWC File No. 192-10-10 (Dec. 17, 2004). We dispense with oral argument and summarily affirm because the facts and legal contentions are

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

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.