

COURT OF APPEALS OF VIRGINIA

Present: Judges Elder, Beales and Senior Judge Willis

E. WAYNE POWELL

v. Record No. 0607-06-2

VIRGINIA WORKERS' COMPENSATION COMMISSION

MEMORANDUM OPINION*
PER CURIAM
JULY 25, 2006

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(E. Wayne Powell; Christian A. Parrish; Valerie B. Huber; Powell & Associates, P.C., on brief), for appellant.

No brief for appellee.

E. Wayne Powell, Esquire, appeals a decision of the Workers' Compensation Commission awarding him \$500 in attorney's fees. With respect to the first two questions raised by Powell regarding the commission's determination of an appropriate award of attorney's fees in this case, 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 Perez v. Rappahannock Area CSB, VWC File No. 219-81-42 (Feb. 10, 2006). 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.

We decline to address the third question raised by Powell regarding the constitutionality of the commission's determination of the attorney's fee award, as Powell did not raise this

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

constitutional argument before the commission. Accordingly, we are barred from considering it for the first time on appeal. See Rule 5A:18.

Affirmed.