

COURT OF APPEALS OF VIRGINIA

Present: Judges Elder, Beales and Senior Judge Annunziata

HENRICO COUNTY SHERIFF'S OFFICE

v. Record No. 0682-10-2

JAMES O. FITZGERALD, IV, DECEASED,  
BY LAURI WALKER, EXECUTOR

MEMORANDUM OPINION\*  
PER CURIAM  
AUGUST 31, 2010

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Ralph L. Whitt, Jr.; Brandon R. Jordan; Whitt & Del Bueno, PC, on  
briefs), for appellant.

(Malcolm Parks; Maloney, Parks & Clarke, P.C., on brief), for  
appellee.

Henrico County Sheriff's Office (employer) appeals a decision of the Workers' Compensation Commission finding claimant proved he received a communication of his occupational disease on or about July 22, 2008, which triggered the commencement of the statute of limitations under Code § 65.2-403(A). 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 Fitzgerald v. Henrico Cnty. Sheriff's Office, VWC File No. 241-12-36 (Mar. 10, 2010). 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.

The commission's opinion mistakenly states the communication date for purposes of calculating the statute of limitations was July 22, 2008. However, there is undisputed evidence

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

in the record that the communication took place July 23, 2008. We remand this case to the commission for the sole purpose of correcting the clerical error in its award to reflect the proper communication date of July 23, 2008.

Affirmed and remanded.