

COURT OF APPEALS OF VIRGINIA

Present: Judges Benton, Humphreys and Senior Judge Overton

AM COMMUNICATIONS, INC. AND
FEDERAL CHUBB INDEMNITY INSURANCE CO.

v. Record No. 1243-05-2

WILLIAM CARROLL CHILDRESS

MEMORANDUM OPINION*
PER CURIAM
SEPTEMBER 13, 2005

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Robert C. Baker, Jr.; Dobbs & Baker, on brief), for appellants.

(William G. Shields; William G. Shields & Associates, P.C., on
brief), for appellee.

AM Communications, Inc. and its insurer appeal a decision of the Workers' Compensation Commission, which ruled that (1) the two-year statute of limitations was tolled and did not bar William Carroll Childress's claim for benefits; and (2) Childress was entitled to a *de facto* award for temporary total compensation and, therefore, was not required to prove he marketed his residual work capacity. We have reviewed the record and the commission's opinion and find no reversible error. Accordingly, we affirm the commission's award for the reasons stated by the commission in its final opinion. See Childress v. AM Communications, Inc., VWC File No. 216-96-37 (April 29, 2005). 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.

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