

COURT OF APPEALS OF VIRGINIA

Present: Judges Frank, Clements and Haley

THE GOODYEAR TIRE & RUBBER COMPANY  
AND LIBERTY INSURANCE CORP.

v. Record No. 1308-05-3

MICHAEL L. LUCK

MEMORANDUM OPINION\*  
PER CURIAM  
OCTOBER 4, 2005

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(James A.L. Daniel; M. Brent Saunders; Amanda M. Morgan;  
Daniel, Vaughan, Medley & Smitherman, P.C., on brief), for  
appellants.

No brief for appellee.

The Goodyear Tire & Rubber Company and its insurer appeal a decision of the Workers' Compensation Commission finding that (1) Michael L. Luck (claimant) proved he sustained an injury by accident arising out of and in the course of his employment on August 12, 2003; and (2) he was not required to market his residual work capacity during the month of October 2003 as a condition of receiving temporary total compensation from October 1, 2003 through November 3, 2003. 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 Luck v. The Goodyear Tire & Rubber Co., VWC File No. 215-95-66 (April 28, 2005). We dispense with oral argument and summarily affirm because the facts and

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

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.