

COURT OF APPEALS OF VIRGINIA

Present: Judges Kelsey, Petty and Senior Judge Bumgardner

TIMOTHY WAYNE SHIVELY

v. Record No. 1313-06-3

BLUE RIDGE AQUACULTURE AND
ERIE INSURANCE COMPANY

MEMORANDUM OPINION*
PER CURIAM
SEPTEMBER 26, 2006

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Karel Brown Ryan; Ryan Law Firm, PC, on brief), for appellant.

(Richard D. Lucas; Lucas Law Firm, PLC, on brief), for appellees.

Timothy Wayne Shively (claimant) appeals a decision of the Workers' Compensation Commission finding that his claim was time barred. Claimant contends the commission erred in finding that (1) he was not entitled to a de facto award; and (2) the doctrine of imposition did not apply to save his claim from the limitations bar. 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 Shively v. Blue Ridge Aquaculture, VWC File No. 210-64-93 (April 21, 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.

Affirmed.

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