

COURT OF APPEALS OF VIRGINIA

Present: Judges Frank, McClanahan and Senior Judge Willis

SHANE ORIN SWINDELL

v. Record No. 1680-06-2

CLC OF RICHMOND AND
COMPANION PROPERTY AND
CASUALTY INSURANCE COMPANY

MEMORANDUM OPINION*
PER CURIAM
NOVEMBER 21, 2006

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Shane Swindell, *pro se*, on briefs).

(Richard S. Sperbeck; Midkiff, Muncie & Ross, P.C., on brief), for
appellees.

Shane Orin Swindell (claimant) appeals a decision of the Workers' Compensation Commission finding that he failed to prove he gave timely notice of his work-related accident to CLC of Richmond (employer) in accordance with Code § 65.2-600.¹ 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 Swindell v. CLC of Richmond, VWC File No. 223-88-03 (May 17, 2006). We dispense with oral argument and summarily affirm because the facts and legal contentions are adequately presented in the

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

¹ The commission also ruled that employer complied with the requirements of posting notice of workers' compensation coverage and reporting requirements so as not to have waived its notice defense. Claimant did not challenge that finding in his brief. Therefore, it is binding and conclusive upon us, and we do not consider it on appeal. We also do not consider any evidence that was not in the record before the commission.

materials before the Court and argument would not aid the decisional process. See Code
§ 17.1-403; Rule 5A:27.

Affirmed.