

COURT OF APPEALS OF VIRGINIA

Present: Judges Frank, Alston and Senior Judge Coleman

MATTHEW L. WOOTEN

v. Record No. 2104-09-2

INTERMET FOUNDRY AND  
LIBERTY MUTUAL FIRE INSURANCE COMPANY

MEMORANDUM OPINION\*  
PER CURIAM  
JANUARY 19, 2010

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Matthew L. Wooten, *pro se*, on briefs).

(Jeffrey W. Saunders; Dannielle C. Hall-McIvor; Taylor & Walker,  
P.C., on brief), for appellees.

Matthew L. Wooten (claimant) appeals a decision of the Workers' Compensation Commission finding that (1) his claim for treatment for arthrofibrosis was time-barred; (2) oral argument before the commission was unnecessary; (3) he was not permitted to receive treatment from a doctor of his choosing; (4) he failed to establish his disability within two years of his accident; (5) employer properly and timely served all correspondence upon claimant, who was representing himself *pro se* before the commission; (6) claimant failed to establish he suffered a permanent disability within three years; and (7) arthrofibrosis was not a compensable occupational disease under Code § 65.2-400.<sup>1</sup> We have reviewed the record and the commission's opinion and find that this appeal is without merit. Accordingly, we affirm for the

---

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

<sup>1</sup> Claimant also contends the commission erred in stating he received surgery on his knee. The commission erroneously stated appellant received knee surgery once in its opinion. In the context of the entire record, we treat this apparent inconsistency as a scrivener's error and read the sentence as "The claimant said that he suffered arthrofibrosis as a direct result of his knee *injury*, and that he should be considered as having an occupational disease."

reasons stated by the commission in its final opinion. See Wooten v. Internet Foundry, VWC File No. 223-57-04 (Aug. 19, 2009). 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.