

COURT OF APPEALS OF VIRGINIA

Present: Judges Frank, Alston and Senior Judge Coleman

CLINCHFIELD COAL COMPANY AND  
THE PITTSO COMPANY

v. Record No. 2181-10-3

FRANKLIN LEWIS CALO

MEMORANDUM OPINION\*  
PER CURIAM  
FEBRUARY 22, 2011

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Ramesh Murthy; Penn, Stuart & Eskridge, on brief), for appellants.

(Paul L. Phipps; Jason A. Mullins; Lee & Phipps, P.C., on brief), for  
appellee.

Clinchfield Coal Company and its insurer, The Pittson Company, appeal a decision of the Workers' Compensation Commission finding Franklin Lewis Calo's July 27, 2009 motion to amend his claim for temporary total disability benefits related back to his November 17, 2008 claim for temporary total disability benefits, and was not time-barred by Code § 65.2-708. 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 Calo v. Clinchfield Coal Co., VWC File No. 205-92-23 (Sept. 24, 2010). 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.

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