

## COURT OF APPEALS OF VIRGINIA

Present: Judges Frank, Huff and Senior Judge Haley

CAROL BURKE, SURVIVING DEPENDENT  
SPOUSE OF MICHAEL BURKE

v. Record No. 2196-13-3

DICKENSON-RUSSELL COAL COMPANY, LLC AND  
CHARTIS PROPERTY CASUALTY COMPANY

MEMORANDUM OPINION\*  
PER CURIAM  
APRIL 22, 2014

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(Stephen W. Mullins, on brief), for appellant.

(Timothy W. Gresham; Penn, Stuart & Eskridge, on brief), for  
appellees.

Carol Burke, the surviving dependent spouse of Michael Burke,<sup>1</sup> appeals a decision of the Workers' Compensation Commission ("the commission") finding that the evidence failed to prove by a preponderance of the evidence that Michael Burke suffered from the occupational disease of coal workers' pneumoconiosis. 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 Burke v. Dickenson-Russell Coal Co., VWC File No. VA02000010648 (Oct. 31, 2013). 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.

<sup>1</sup> Michael Burke died on December 20, 2012.