

## COURT OF APPEALS OF VIRGINIA

Present: Judges Alston, Decker and Senior Judge Coleman

THE PITTSTON COMPANY

v. Record No. 2384-13-3

FRANKLIN CALO

MEMORANDUM OPINION\*  
PER CURIAM  
MAY 27, 2014

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

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

(Paul L. Phipps; Mingkwan Emme Collins; Lee and Phipps, P.C., on brief), for appellee.

The Pittston Company appeals a decision of the Workers' Compensation Commission finding that Franklin Calo was entitled to wage loss benefits when he did not sustain any wage loss on March 18, 2013, due to his post-injury earnings that were greater than his pre-injury earnings. 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. The Pittston Co., VWC File No. 2059223 (Nov. 20, 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.

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