

COURT OF APPEALS OF VIRGINIA

Present: Judges Elder, Clements and Senior Judge Annunziata

FOOD LION, LLC AND
DELHAIZE AMERICA, INC.

v. Record No. 0931-07-1

PAMELA ANN CENTER

MEMORANDUM OPINION*
PER CURIAM
SEPTEMBER 4, 2007

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

(William B. Pierce, Jr.; Dov M. Szego; William B. Pierce &
Associates, PLLC, on briefs), for appellants.

(David L. Horne; Jeffrey A. Hunn; Pender & Coward, P.C., on brief),
for appellee.

Food Lion, LLC and its insurer (hereinafter referred to as “employer”) appeal a decision of the Workers’ Compensation Commission finding that Code § 65.2-708(C) applied in this case to extend the limitations period contained in Code § 65.2-708(A), and therefore, Pamela Ann Center’s (claimant) change-in-condition claim was not time-barred. Pursuant to Rule 5A:21(b), claimant raises the additional question of whether the commission erred in declining to retain jurisdiction of her claim for permanent partial disability benefits until such time as the degree of permanency can be determined. We have reviewed the record and the commission’s opinion and find that this appeal is without merit as to the questions raised by employer and claimant. Accordingly, we affirm for the reasons stated by the commission in its final opinion. See Center v. Food Lion, L.L.C., No. 1229/Delhaize America, Inc., VWC File No. 214-92-48 (Mar. 21, 2007). We dispense with oral argument and summarily affirm because the facts and legal

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

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.