

May 28, 2003

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 02-30796

DANNY M. FRILOUX,

Plaintiff-Appellant,

versus

UNUM LIFE INSURANCE COMPANY OF AMERICA,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
(01-CV-2041)

Before JOLLY, WIENER, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Friloux challenges the termination of his long-term disability benefits after he received the benefits for several months during 2000, claiming: (1) the district court failed to give enough weight to the Social Security Administration's finding of disability; (2) the district court erred in applying the "national economy" employment standard; and (3) the evidence in the record

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

demonstrates that UNUM abused its discretion by discontinuing the benefits.

Friloux conceded at oral argument that the plan provides that the "national economy" standard shall be used. In any event, having heard oral argument, having reviewed the briefs and pertinent parts of the record, and essentially for the reasons stated by the district court, the discontinuance of benefits is

AFFIRMED.