

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-60625
Summary Calendar

JAMES C. BAKER,

Petitioner,

versus

TRUCK & TRAILER EQUIPMENT COMPANY;
DIRECTOR, OFFICE OF WORKER'S COMPENSATION
PROGRAMS, U.S. DEPARTMENT OF LABOR,

Respondent.

Petition for Review from an Administrative
Decision of the Benefits Review Board
BRB No. 01-0778

January 23, 2003

Before BARKSDALE, DEMOSS, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Petitioner claims that his employer's contributions to his individual savings plan, pursuant to a collective bargaining agreement, should be calculated as wages for the purpose of determining his average weekly wage.

We find no merit in petitioner's argument, inasmuch as 33 U.S.C. § 902(13) specifically excludes from the term wages

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

"fringe benefits, including (but not limited to) employer payments for or contributions to a retirement, pension, health and welfare, life insurance, training, social security or other employee or dependent benefit plan for the employee's or dependent's benefit, or any other employee's dependent entitlement." 33 U.S.C. § 902(13). Because the language of the statute is plain and unambiguous with respect to the specific dispute in this case, we need make no further inquiry.

Accordingly, the petition for review is DENIED.