

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 92-1081

WILLIAM A. WEBBER AND LEONARD A. NELSON,

Plaintiffs-Appellants

VERSUS

ENSEARCH EXPLORATION, INC.

Defendant-Appellee

Appeal from the United States District Court
for the Southern Northern of Texas
(CA3 87 3018 T)

March 15, 1993

Before WISDOM and DUHE, Circuit Judges, and DOHERTY, District
Judge:¹

PER CURIAM:²

William A. Webber and Leonard A. Nelson filed suit against
their former employer, Ensearch Exploration, Inc. alleging a

¹ Rebecca F. Doherty, District Judge of the Western District
of Louisiana, sitting by designation.

² Local Rule 47.5 provides: "The publication of opinions
that have no precedential value and merely decide particular cases
on the basis of well-settled principles of law imposes needless
expense on the public and burdens on the legal profession."
Pursuant to that Rule, the Court has determined that this opinion
should not be published.

violation of the Age Discrimination & Employment Act ["ADEA"].³ After hearing on the issue of liability, the district court entered findings of fact and conclusions of law that Mr. Webber and Mr. Nelson were not entitled to relief under the ADEA.

William A. Webber and Leonard A. Nelson were employed as staff geologists by Ensearch Exploration, Inc. until March 31, 1986. As part of a reduction in work force, appellants were laid off. Subsequently, suit was filed with appellants claiming they should have been transferred from their staff geologist positions to field geologist positions. Appellants claimed they were qualified for such positions and that the determining factor in Ensearch's refusal to facilitate the transfer was impermissible age discrimination pursuant to ADEA.

The district court heard evidence in a bifurcated trial on the issue of liability, and on December 31, 1991 the district court entered findings of fact and conclusions of law and held that Webber and Nelson were not entitled to relief under the ADEA. The opinion of the district court correctly states and applies the law to the facts shown finding that Ensearch's termination of appellants was for legitimate, non-discriminatory business reasons. Appellants have failed to carry their burden of proof that appellees' articulated reasons were protectional, and that age was a factor in their termination from the employ of Ensearch. Therefore, William A. Webber and Leonard A. Nelson are not entitled to relief under the Age Discrimination & Employment Act.

AFFIRMED.

³ 29 USC §621, et seq.