UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 93-7402
Summary Calendar

JOSEPH J. GENTZ,

Plaintiff-Appellee,

VERSUS

MARITIME OVERSEAS CORPORATION, ET AL.

Defendants,

PHILADELPHIA TANKER CORPORATION,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
(CA G-92-264)

(June 22, 1994)

Before DAVIS, JONES and DUHÉ, Circuit Judges.

PER CURIAM:[1]

Joseph J. Gentz, a seaman and member of the crew of the M/V OVERSEAS PHILADELPHIA, sued his employer, Maritime Overseas Corporation, under the Jones Act and general maritime law, contending that he had suffered personal injury by accident as a result of the negligence of his employer and the unseaworthy condition of the vessel. The parties consented to trial by a

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[1] 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Magistrate Judge without a jury. The trial was had and the Magistrate Judge found that the vessel was unseaworthy and made an award to Gentz. The employer has appealed contending that the Magistrate Judge erred as to his factual findings concerning the weather conditions and condition of the vessel's deck, as to the unseaworthiness of the vessel, as to proximate cause of the Appellee's physical condition and as to the amount of wages lost.

Appellant correctly points out that we review these findings under the rubric of Federal Rule of Civil Procedure 52(a); the clearly erroneous standard. Appellant also correctly agrees that a finding of fact is clearly erroneous when, although there is evidence to support it, the reviewing court is left with a firm conviction that a mistake has been made. United States v. United States Gypsum Co., 333 U.S. 364, 395 (1948). Credibility choices are left to the discretion of the trial court. Chalk v. Beto, 429 F.2d 225 (5th Cir. 1970).

Appellant argues strenuously that the record shows that the district court committed clear error and furnishes numerous citations to the record to support its argument. We have carefully read the entire record and, although we readily admit that, had we been the trial tribunal, we might well have decided one or more of the issues raised differently, we are not left with the firm impression that a mistake has been made. The simple fact that we might have decided differently on conflicting evidence is not sufficient. Anderson v. City of Bessemer, 470 U.S. 564 (1985).

AFFIRMED.