

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-60235

LINDA J. GREGORY,

Plaintiff-Appellant,

versus

THOMAS L. JACOBSON & ASSOCIATES, INC.,
and ATLANTIC RICHFIELD,

Defendants-Appellees.

Appeal from the United States District Court for the
Southern District of Texas
(90-CV-28)

(February 15, 1995)

Before VAN GRAAFEILAND,* JOLLY, and WIENER, Circuit Judges.

PER CURIAM:**

After a review of the briefs, the record, and the very good arguments of counsel, we must conclude that the district court did not err in upholding the decision of the plan administrator, Thomas L. Jacobson & Associates, Inc. The district court applied

*United States Court of Appeals, Second Circuit Judge sitting by designation.

**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 Pursuant to that Rule, the court has determined that this opinion should not be published.

the proper standard--abuse of discretion--in reviewing the decision of the plan administrator to deny disability benefits in this case. See Firestone Tire and Rubber Co. v. Bruch, 489 U.S. 113, 115, 109 S.Ct. 948, 956-57, 103 L.Ed.2d 80 (1989) (holding review is limited to abuse of discretion when plan confers discretion on plan administrator in determining benefits eligibility). Reviewing the administrator's decision under this standard, as we must, we hold that the district court did not err in affirming Jacobson's decision to deny the appellant, Linda J. Gregory, disability benefits. Although Gregory's counsel vigorously argued that Gregory had a case for disability, and although counsel effectively pointed to weaknesses in Jacobson's evaluation of Gregory's disability, we are still faced with the undeniable fact that the record reflects substantial evidence supporting Jacobson's decision. We therefore cannot conclude that the administrator's decision was arbitrary. The judgment of the district court is therefore

A F F I R M E D.