

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 97-30857
Summary Calendar

LINDA DEWEY,

Plaintiff-Appellant,

VERSUS

ITT CORPORATION; METROPOLITAN INSURANCE COMPANY,

Defendants-Appellees.

Appeal from the United States District Court
For the Western District of Louisiana

(96-CV-846)

March 13, 1998

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:*

Linda Dewey ("Dewey") filed suit under 29 U.S.C. § 1132(A) against ITT Corporation ("ITT"), her former employer, and against Metropolitan Life Insurance Company, the administrator of the ITT Long-Term Disability Plan for Salaried Employees created under the

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001, et seq. Such suit was originally filed on March 14, 1996, in the state court for the Parish of Ouachita, State of Louisiana, but was removed to the United States District Court for the Western District of Louisiana. Such suit alleged that Dewey suffered injuries in an accident in 1986 and that she applied for and began receiving disability benefits under the Plan. Dewey continued to receive disability benefits until December 4, 1995, when such benefits were terminated following administrative review of the initial decision to terminate. In June 1997, ITT and Metropolitan filed a Motion for Summary Judgment and the district court entered an Order on July 29, 1997, granting the Motion for Summary Judgment and dismissing appellant's claims with prejudice.

We have carefully reviewed the briefs, the record excerpts, and relevant portions of the record itself. For the reasons stated in the court's Memorandum Ruling and Judgment filed July 28, 1997, the district court concluded that the Plan administrator "did not abuse its discretion in denying Mrs. Dewey's claim." Accordingly, the district court entered a Final Judgment in favor of ITT and Metropolitan and dismissed Dewey's claims with prejudice. From our review of the record we are unable to say that the Plan administrator abused its discretion or acted arbitrarily and capriciously in denying Mrs. Dewey's claim. Accordingly, the Final Judgment entered herein under date of July 28, 1997, is

AFFIRMED.