

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 97-31274
Summary Calendar

ALONZO MOORE, JR.,

Plaintiff-Appellant,

VERSUS

PROVIDENT LIFE & ACCIDENT INSURANCE COMPANY;
SUPERIOR STEEL, INC. GROUP LONG-TERM DISABILITY
PLAN, AN EMPLOYEE WELFARE BENEFIT PLAN,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Louisiana

(97-CV-89)

September 3, 1998

Before EMILIO M. GARZA, DeMOSS, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Alonzo Moore, Jr. ("Moore") was employed by Superior Steel, Inc. ("Superior") as a welder. Superior contracted with Provident Life and Accident Insurance Company ("Provident") to provide short and long-term disability plans for its employees. These Plans were issued in accordance with the Employment Retirement Income Security

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Act (ERISA) and Provident was the Administrator and Claims Fiduciary under the terms of the Plan. These Plans expressly provide that the Administrator and Claims Fiduciary would have "full, exclusive and discretionary authority to control, manage and administer claims and to interpret and resolve all questions arising out of the administration, interpretation and application" of the Plan. In April 1995, Moore suffered a hernia and applied for and received short-term benefits which commenced on or about June 7, 1995. In November 1995, Moore filed claim a for a long-term disability benefits and this claim was approved by Provident and he received approximately \$1,060 per month through May 1996. Based on periodic medical reports, Provident terminated Moore's long-term benefits effective May 31, 1996. Moore appealed his termination to the Review Committee under the terms of the Plan which affirmed the decision to terminate the long-term benefits. In January 1997, Moore sued Provident in Louisiana state district court alleging that Provident had wrongfully terminated Moore's benefits. Provident removed the case to the federal district court and filed a motion for summary judgment. The federal district court granted summary judgment and Moore appeals.

We have carefully reviewed the briefs, the record excerpts and relevant portions of the record itself. For the reasons stated by the district court in its ruling on motion for summary judgment filed under date of October 24, 1997, we AFFIRM the final judgment entered on that same date.

AFFIRMED.