

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 00-40469
Summary Calendar

JANE SULLIVAN ANDERSON, Individually and as guardian
of the person of Rickey Mack Anderson,

Plaintiff-Appellant,

VERSUS

CIGNA HEALTHCARE, Individually and in its capacity
as Administrator of the Texas Foundries Medical
Plan; CIGNA; THE TEXAS FOUNDRIES MEDICAL PLAN,

Defendants-Appellees.

Appeal from the United States District Court
For the Eastern District of Texas

(9:98-CV-130)

December 13, 2000

Before DAVIS, JONES, and DeMOSS, Circuit Judges:

PER CURIAM:*

Jane Sullivan Anderson ("Mrs. Anderson") and Rickey Mack Anderson ("Mr. Anderson") are husband and wife who are former employees of Texas Foundries, Ltd. After retirement from Texas Foundries, Ltd., both maintained participation in the Texas

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Foundries Medical Plan ("the Plan") which is a self-funded employee welfare benefit plan established under the provisions of the Employment Retirement and Income Security Act of the United States. Texas Foundries entered into an agreement with CIGNA Healthcare of Texas, Inc. ("CIGNA") to serve as the claim administrator under the Plan and such agreement delegated absolute discretion to CIGNA to make decisions regarding claims and requests for coverage. In 1997, Mr. Anderson suffered a debilitating stroke which left him completely incapacitated. After initial treatment in a series of medical hospitals whose services were paid for by the Plan, Mrs. Anderson and her medical adviser sought to place Mr. Anderson in a facility called "The Ranch" for longer term care. After a ten-day trial at The Ranch, CIGNA determined that the care being provided was essentially custodial in nature and the Plan contains an express exception as to such custodial care. Accordingly, CIGNA declined to pay for any further services at The Ranch under the Plan. Mrs. Anderson, acting individually and as guardian of her husband, filed suit against CIGNA and the Texas Foundries Medical Plan for benefits under the Plan. The suit was tried to the district court without a jury. The district court entered comprehensive findings of fact and conclusions of law and entered a final judgment that the plaintiffs take nothing. Mrs. Anderson timely appealed.

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 findings of fact and conclusions of

law dated March 31, 2000, we affirm the final judgment entered contemporaneously therewith.

AFFIRMED.