

**UNITED STATES COURT OF APPEALS
For the Fifth Circuit**

No. 99-21039
SUMMARY CALENDAR

JAMES FALICK,
Plaintiff-Appellant,

v.

THE GUARDIAN LIFE INSURANCE COMPANY OF AMERICA
Defendant-Appellee.

On Appeal from the United States District Court
for the Southern District of Texas
(H-98-CV-398)

October 6, 2000

Before REYNALDO G. GARZA, HIGGINBOTHAM, and JONES, Circuit Judges.

PER CURIAM:¹

This lawsuit was filed by Plaintiff James Falick, an architect and chief executive officer of the architectural firm, the Falick/Klein Partnership, Inc. (Falick/Klein). This lawsuit is governed by the Employee Retirement Income Security Act (“ERISA”), 29 U.S.C. § 1001 *et seq.* He sued the Guardian Life Insurance Company (“Guardian”) for improperly denying his claim for long-

¹ Pursuant to 5th Cir. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

term disability benefits under Falick's group employee-benefit plan ("the Plan"). The Plan in this case expressly grants to the administrators "discretionary authority to determine eligibility for benefits and to construe the terms of the plan with respect to claims." Because of this reason, the administrators' decisions are reviewed under the abuse of discretion standard.

After having read the record in this case, the briefs of the parties and the very lucid memorandum and order of the District Court granting summary judgment for the defendant-appellant, Guardian Life Insurance Company, we AFFIRM the court's judgment in behalf of the Guardian Life Insurance Company.