

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-11456
Summary Calendar

MARGARET S. SETTLE,

Plaintiff-Appellant,

versus

FIRST INTERSTATE BANCORP
BROAD-BASED CHANGE IN
CONTROL SEVERANCE PAY PLAN,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:98-CV-148-R

August 6, 1999

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Margaret S. Settle brought suit against the First Interstate Bancorp Broad-Based Change In Control Severance Pay Plan for wrongful denial of benefits under the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. § 1132(a)(1)(B). Settle alleges the Plan wrongfully denied her request for severance benefits following her resignation from her employment.

We review the Plan's denial of Settle's request for benefits for abuse of discretion. See Threadgill v. Prudential Securities

*Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

Group, Inc., 145 F.3d 286, 292 (5th Cir. 1998). Settle has argued that the Plan, acting through the plan administrator, denied her request for benefits using a legally incorrect interpretation of the Plan. Settle must additionally address whether, in addition to being legally incorrect, the plan administrator's interpretation of the Plan was an abuse of discretion. See Threadgill, 145 F.3d at 295. Settle has not met her burden to show that the plan administrator's interpretation of the Plan and denial of her request for benefits was an abuse of discretion. The district court's granting of summary judgment in favor of the Plan is

A F F I R M E D.