

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Herron v. Hartford Life & Accident Insurance

319 F. App'x 475 (9th Cir. 2009) · Decided January 22, 2009

OPINION

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PER CURIAM.

MEMORANDUM **

Darlene M. Herron appeals pro se from the district court's judgment for an ERISA plan administrator ("Hartford Life"), after a bench trial on the administrative record, in her action challenging the decision to discontinue her long-term disability benefits. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review for abuse of discretion the administrator's decision where the benefit plan grants the administrator discretionary authority to determine eligibility for benefits. *Abatie v. Alta Health & Life Ins. Co.*, 458 F.3d 955, 963 (9th Cir.2006) (en banc); see *Metro. Life Ins. Co. v. Glenn*, — U.S.—, 128 S.Ct. 2343, 2350-51, 171 L.Ed.2d 299 (2008). We review for clear error the underlying findings of fact. *Abatie*, 458 F.3d at 962. We affirm. The district court properly concluded that Hartford Life did not abuse its discretion by denying Herron's claim for continued long-term disability benefits, because the administrative record contains evidence adequate to support a finding of no disability. See *Jordan v. Northrop Grumman Corp. Welfare Benefit Plan*, 370 F.3d 869, 875, 880-82 (9th Cir.2004). The district court properly declined to consider evidence offered by Herron that was not in the administrative record. See *Abatie*, 458 F.3d at 970 ("[I]n general, a district court may review only the administrative record when considering whether the plan administrator abused its discretion!;.]"). Herron's remaining contentions are unavailing. We deny all pending motions. AFFIRMED. This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.