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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>DARLENE M. HERRON,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY; HENDRICK AUTOMOTIVE GROUP LONG TERM DISABILITY PLAN,</p> <p>Defendants - Appellees.</p>
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No. 07-56011

D.C. No. CV-06-01270-PSG

MEMORANDUM *

Appeal from the United States District Court
for the Central District of California
Philip S. Gutierrez, District Judge, Presiding

Submitted January 13, 2009 **

Before: O'SCANNLAIN, BYBEE, and CALLAHAN, Circuit Judges.

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

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

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*, 128 S. Ct. 2343, 2350-51 (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.