

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 09-3630

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Katherine White,

Appellant,

v.

Life Insurance Company of  
North America; Lockheed  
Martin Corporation Long Term  
Disability Plan,

Appellees.

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\* Appeal from the United States  
\* District Court for the Eastern  
\* District of Arkansas.  
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\* [UNPUBLISHED]  
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Submitted: May 24, 2010

Filed: June 1, 2010

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Before LOKEN, BYE, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Katherine White appeals the district court's<sup>1</sup> adverse grant of summary judgment in her Employment Retirement Income Security Act (ERISA) lawsuit arising from the disposition of her claims for short-term-disability (STD) and long-term-disability (LTD) benefits. Upon de novo review, see Darvell v. Life Ins. Co. of

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<sup>1</sup>The Honorable Susan Webber Wright, United States District Judge for the Eastern District of Arkansas.

N. Am., 597 F.3d 929, 934 (8th Cir. 2010) (standard of review), we find that summary judgment was proper on the STD benefits decision, as the record showed that White did not file a timely administrative appeal and thus did not exhaust her administrative remedies, see Price v. Xerox Corp., 445 F.3d 1054, 1057 (8th Cir. 2006). As to the denial of LTD benefits, we find no abuse of discretion. See Jackson v. Prudential Ins. Co. of Am., 530 F.3d 696, 701 (8th Cir. 2008) (plan administrator's decision should not be disturbed when administrator offers reasonable explanation and decision is supported by substantial evidence) White offered evidence showing that she was diagnosed with, and received ongoing treatment for, interstitial cystitis and fibromyalgia, but she failed to offer sufficient evidence that these conditions rendered her disabled under the terms of her plan. See Darvell, 597 F.3d at 935 (it is not abuse of discretion for administrator to ignore opinion when physician failed to provide reliable objective evidence to support finding of LTD); Midgett v. Wash. Group Int'l Long Term Disability Plan, 561 F.3d 887, 897 (8th Cir. 2009) (courts may not require plan administrators automatically to give special weight to opinions of claimant's treating physicians); see also Rutledge v. Liberty Life Assurance Co. of Boston, 481 F.3d 655, 660-61 (8th Cir. 2007) (ERISA plan administrator is not bound by Social Security Administration's determination that plan participant is disabled even if plan defines disability similarly). We decline to consider the arguments White raises for the first time on appeal. See Cole v. Int'l Union, United Auto., Aerospace & Agric. Implement Workers of Am., 533 F.3d 932, 936 (8th Cir. 2008). Accordingly, we affirm.

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