

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-09-00395-CV

GARY STALLWORTH, Appellant

V.

**DOWLEN OAKS RETIREMENT CENTER AND
EMERITUS CORPORATION, Appellees**

**On Appeal from the 136th District Court
Jefferson County, Texas
Trial Cause No. D-180,722**

MEMORANDUM OPINION

In 2007, Gary Stallworth filed a personal injury suit against his employer, Dowlen Oaks Retirement Center, (“Dowlen Oaks”) and its parent company, Emeritus Corporation (“Emeritus”). The trial court abated the proceedings and referred the case to binding arbitration. In 2009, the arbitrator granted the defendants’ no-evidence motion for summary judgment and ordered that the case be dismissed with prejudice. The trial court dismissed the case with prejudice, and Stallworth appealed. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 171.098(a)(3) (Vernon 2005). Although the case was originally submitted

without briefs, we granted leave for late filing and Stallworth subsequently filed a letter brief. *See* TEX. R. APP. P. 38.6(d). The appellees also submitted a letter brief to the Court.

In his brief, Stallworth argues that his case should not have been dismissed because he sustained an on-the-job injury but did not receive workers' compensation benefits. The record reflects that the trial court entered an order conforming to the order of the arbitrator. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 171.092 (a) (Vernon 2005). Stallworth did not present the trial court with grounds to vacate the arbitrator's decision. *See generally* TEX. CIV. PRAC. & REM. CODE ANN. § 171.088 (Vernon 2005). Accordingly, the trial court was authorized to confirm the arbitrator's decision. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 171.087 (Vernon 2005). We affirm the trial court's final order in this case.

AFFIRMED.

HOLLIS HORTON
Justice

Submitted on March 2, 2010
Opinion Delivered April 1, 2010
Before McKeithen, C.J., Kreger and Horton, JJ.