

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 14-41159

United States Court of Appeals
Fifth Circuit

FILED

August 19, 2015

Lyle W. Cayce
Clerk

GREGORY HILL,

Plaintiff - Appellant

v.

BERT BELL/PETE ROZELLE NFL PLAYER RETIREMENT PLAN,

Defendant - Appellee

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4-13-CV-74

Before STEWART, Chief Judge, and JOLLY and GRAVES, Circuit Judges.

PER CURIAM:*

Gregory Hill, a retired football player, sought benefits from the Bert Bell/Pete Rozelle NFL Player Retirement Plan (“the Plan”), which is an ERISA plan that provides disability benefits to former NFL players. The Plan administrator granted Hill’s claim for benefits but found that he was entitled to a lower monthly benefit than Hill requested. Hill sought review of the Plan administrator’s decision in federal court, arguing that he is entitled to a

* Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

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greater monthly benefit. Reviewing under the deferential abuse-of-discretion framework, the district court ruled in favor of the Plan.

Hill appealed. Having studied the record and briefs, and having heard the oral argument of the parties, we agree with the district court's conclusions that the Plan administrator did not abuse its discretion in interpreting the Plan or in deciding the benefit to which Hill is entitled under the Plan. We, therefore, affirm the judgment of the district court.¹

AFFIRMED.

¹ “[I]f the language of the plan . . . grant[s] the plan administrator discretionary authority to construe the terms of the plan or determine eligibility for benefits, a plan’s eligibility determination must be upheld by a court unless it is found to be an abuse of discretion.” *Atkins v. Bert Bell/Pete Rozelle NFL Player Ret. Plan*, 694 F.3d 557, 566 (5th Cir. 2012). “[F]actual determinations made by the plan administrator during the course of a benefits review will be rejected only upon a showing of abuse of discretion.” *Id.*