

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

YOLANDA BIRMINGHAM

PLAINTIFFS

VS.

CASE NO. 06-CV-4019

AIG LIFE INSURANCE COMPANY
and THE DOW CHEMICAL COMPANY

DEFENDANTS

ORDER

Before the Court is Plaintiff Yolanda Birmingham's Complaint (Doc. 1) against Defendants AIG Life Insurance Company and The Dow Chemical Company filed pursuant to the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001 *et seq.*, alleging that her permanent total disability benefits were wrongfully denied. Plaintiff Yolanda Birmingham filed an ERISA Brief on the Administrative Record. (Doc. 28). Defendants AIG Life Insurance Company and The Dow Chemical Company also filed a joint ERISA Brief on the Administrative Record. (Doc. 29).

After reviewing the Administrative Record and the parties' Briefs, for reasons discussed in the Memorandum Opinion of even date, the Court finds that AIG did not abuse its discretion in denying Plaintiff's appeal. Accordingly, Plaintiff Yolanda Birmingham's claims against Defendants AIG Life Insurance and The Dow Chemical Company should be and hereby are DISMISSED with prejudice.

IT IS SO ORDERED, this 11th day of February, 2009.

/s/ Harry F. Barnes
Hon. Harry F. Barnes
United States District Judge