

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

AMENDED 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). The Court issued an Order dismissing Plaintiff's claims. (Doc. 34). Plaintiff filed a Motion for Reconsideration and Incorporating a Motion for an Evidentiary Hearing and Motion for Discovery. (Doc. 35). Defendants responded. (Doc. 37). The Court granted Plaintiff's Motion for Reconsideration in part and denied in part. (Doc. 39). After reconsideration the Court issues this Amended Order.

After reconsidering the Administrative Record and the parties' Briefs, for reasons discussed in the Amended Memorandum Opinion of even date, the Court finds that its initial ruling that AIG did not abuse its discretion in denying Plaintiff's appeal shall stand. Accordingly, Plaintiff Yolanda Birmingham's claims against Defendants AIG Life Insurance and The Dow Chemical Company will

remain **DISMISSED** with prejudice.

IT IS SO ORDERED, this 9th day of April, 2009.

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