

**UNITED STATES COURT OF APPEALS**  
**FOR THE TENTH CIRCUIT**

**JAN 24 2002**

**PATRICK FISHER**  
Clerk

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ROGER WOODS,

Plaintiff-Appellant,

v.

ARCO LONG TERM DISABILITY  
PLAN; ATLANTIC RICHFIELD  
COMPANY, a Delaware corporation,

Defendants-Appellees.

No. 01-8009  
(D.C. No. 98-CV-42-B)  
(D. Wyo.)

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**ORDER AND JUDGMENT** \*

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Before **EBEL**, **KELLY**, and **BRISCOE**, Circuit Judges.

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After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

Injured in a workplace accident, plaintiff Roger Woods sought and obtained permanent disability benefits under a benefit plan governed by the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. §§ 1001-1461. As a result of a routine review of his file, the plan administrator terminated his benefits, finding that his injury did not prevent him from securing what the terms of the plan define as “gainful employment.”

After an unsuccessful administrative appeal, Woods filed suit in federal district court, alleging that the termination of his benefits violated ERISA. The district court granted summary judgment against him. He appeals.

The parties are familiar with the additional facts comprising and framing this dispute, so we need not repeat them here. Having carefully reviewed the parties’ briefs, the record on appeal, as well as the law governing this ERISA claim, we AFFIRM the judgment of the district court for substantially the same reasons set forth in the magistrate judge’s order dated November 30, 2000.

Entered for the Court

Paul J. Kelly, Jr.  
Circuit Judge