

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 97-2036**

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JANIE K. SHEALY,

Plaintiff - Appellant,

versus

UNUM LIFE INSURANCE COMPANY OF AMERICA,

Defendant - Appellee.

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Appeal from the United States District Court for the District of South Carolina, at Columbia. Joseph F. Anderson, Jr., District Judge. (CA-97-353-3-17)

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Submitted: April 20, 1998

Decided: May 5, 1998

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Before WILKINSON, Chief Judge, and ERVIN and WILLIAMS, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Stephen Jahue Moore, KIRKLAND, WILSON, MOORE, ALLEN, TAYLOR & O'DAY, P.A., West Columbia, South Carolina, for Appellant. Theodore DuBose Willard, Jr., QUINN, PATTERSON & WILLARD, Columbia, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Janie K. Shealy, an employee of Pleasant's Hardware Company, brought this declaratory judgment action against UNUM Life Insurance Company of America in the Court of Common Pleas for Lexington County, South Carolina, seeking long-term disability benefits as provided under her employee benefit plan, actual damages, attorneys' fees and costs. The action was removed to the United States District Court for the District of South Carolina. UNUM moved for summary judgment, asserting that Shealy failed to file a timely claim for long-term disability benefits. The district court granted UNUM's motion, concluding that Shealy failed to satisfy the notice requirements for coverage under the plan. Upon careful review of the record and briefs submitted, we affirm based upon the sound reasoning of the district court.\* See Shealy v. UNUM Life Ins. Co. of America, C.A.No. 3:97-353-17 (D.S.C. June 18, 1997).

AFFIRMED

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\* Both parties agreed to submit this appeal on the briefs.