

United States Court of Appeals
For the Eighth Circuit

No. 13-3721

Kelly Moberg

Plaintiff - Appellant

v.

Phillips Electronics North America Corporation Group Welfare Benefit Plan;
Phillips Electronics North America Corporation

Defendants - Appellees

Appeal from United States District Court
for the Western District of Arkansas - Fayetteville

Submitted: August 6, 2014

Filed: August 15, 2014

[Unpublished]

Before BYE, SMITH, and KELLY, Circuit Judges.

PER CURIAM.

Kelly Moberg appeals the district court's¹ order affirming the denial of continued long term disability benefits (LTD) in her action under the Employment Retirement Income Security Act (ERISA). Upon de novo review, we find that the district court used the correct standard of review, see Siegel v. Conn. Gen. Life Ins. Co., 702 F.3d 1044, 1047-48 (8th Cir. 2013); and that the court properly applied that standard in determining whether to uphold the decision to discontinue Moberg's LTD based on a 24-month limitation covering disabilities from neuromusculoskeletal and soft tissue disorders, see Gerhardt v. Liberty Life Assurance Co. of Boston, 736 F.3d 777, 780 (8th Cir. 2013) (reviewing de novo district court's application of abuse-of-discretion standard; plan administrator's decision will be upheld if reasonable, i.e., supported by substantial evidence). Specifically, we agree with the district court that there was no merit to Moberg's contention that the limitation did not apply to her, or to her contentions concerning certain exceptions to the limitation.² The judgment of the district court is affirmed.

¹The Honorable Jimm Larry Hendren, United States District Judge for the Western District of Arkansas.

²We decline to consider the new assertions Moberg makes in her reply brief. See Long v. Nix, 86 F.3d 761, 766 n.5 (8th Cir. 1996).