

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 98-2517

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Donald Elwyn Pennington,

Appellant,

v.

Southwestern Bell Corporation  
Sickness and Accident Disability  
Benefit Plan,

Appellee.

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\* Appeal from the United States  
\* District Court for the  
\* Western District of Arkansas.  
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\* [UNPUBLISHED]  
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Submitted: January 15, 1999

Filed: January 25, 1999

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Before BOWMAN, Circuit Judge, MURPHY, Circuit Judge, and VIETOR,<sup>1</sup> District  
Judge.

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PER CURIAM.

Donald Elwyn Pennington sought payment of benefits under the Southwestern Bell Corporation Sickness and Accident Disability Benefit Plan. His claim was based on injury to his back from lifting a full pay-phone coin receptacle. The Plan committee determined that his claim was untimely and, alternatively, that he had not been injured

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<sup>1</sup>The Honorable Harold D. Vietor, United States District Judge for the Southern District of Iowa, sitting by designation.

in an "accident" as that term is defined in the Plan. The District Court<sup>2</sup> affirmed the denial of benefits. Pennington appeals.

Having carefully considered the appeal, we conclude that no error of law appears and that an opinion by this Court would lack precedential value. Without further discussion, the judgment is affirmed on the basis of the thorough and well-reasoned opinion of the District Court.

AFFIRMED. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

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<sup>2</sup>The Honorable H. Franklin Waters, United States District Judge for the Western District of Arkansas.