

**FILED**

November 19, 2004

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 04-40482  
Summary Calendar

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SOUTHERN COUNCIL OF INDUSTRIAL  
WORKERS, LOCAL 2713,

Plaintiff-Counter Defendant-Appellee,

versus

BRUCE HARDWOOD FLOORING, LLC,

Defendant-Counter Claimant-Appellant.

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Appeal from the United States District Court for  
the Eastern District of Texas  
(USDC No. 9:02-CV-270)

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Before REAVLEY, WIENER and BENAVIDES, Circuit Judges.

PER CURIAM:\*

The judgment of the district court is affirmed because the arbitrator found against insubordination on Robert's part due to nothing more than a disrespectful argument with McDaniel. He did not find that Roberts hit or struck McDaniel. We give the award the deference the law requires.

AFFIRMED.

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\*Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.