

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

December 4, 2008

\_\_\_\_\_  
No. 08-30454  
\_\_\_\_\_

Charles R. Fulbruge III  
Clerk

UNITED STEELWORKERS LOCAL 9121, AFL-CIO-CLC,

Plaintiff-Appellant,

v.

BAYOU STEEL CORPORATION,

Defendant-Appellee.

\_\_\_\_\_  
Appeal from the United States District Court  
for the Eastern District of Louisiana  
No. 2:07-CV-4166  
\_\_\_\_\_

Before SMITH, BARKSDALE, and PRADO, Circuit Judges.

PER CURIAM:\*

The plaintiff union sued the defendant employer to compel arbitration of the employer's refusal to count, for purposes of the accumulation of retirement

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

benefits, the period of three and one-half years during which the union was on strike. The district court declined to order arbitration, agreeing with the employer that the dispute concerned the pension plan, as distinguished from the collective bargaining agreement or the settlement agreement that was entered into at the conclusion of the strike.

We have reviewed the briefs on appeal and pertinent portions of the record and have heard the arguments of counsel. Because we find no reversible error, the judgment is AFFIRMED.