

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

No. 00-2966

Father Flanagan's Boys Home,

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Appellant,

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v.

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Appeal from the United States

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District Court for the District

Boys Town Education Association,

*

of Nebraska.

(an affiliate of the Nebraska State

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Education Association and the

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[UNPUBLISHED]

National Education Association),

*

*

Appellee.

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Submitted: April 19, 2001

Filed: April 26, 2001

Before BOWMAN, FAGG, and LOKEN, Circuit Judges.

PER CURIAM.

Beginning in 1984, Father Flanagan's Boys Home employed Michael Mullins as an English teacher. The Home did not renew Mullins's contract for the 1999-2000 school year because of poor student evaluations. The Boys Town Educational Association brought a grievance and the matter was submitted to an arbitrator. The arbitrator ordered the Home to reinstate Mullins, concluding the Home violated the collective bargaining agreement because the evaluation instruments and procedures

used to deny Mullins a contract were unreasonable. The Home then brought this action in district court to vacate the arbitrator's award. The district court* affirmed the award, concluding the collective bargaining agreement supported the arbitrator's finding that the Home's use of only the student assessments to evaluate Mullins was arbitrary and capricious. On appeal, the Home argues the arbitrator disregarded specific terms of the collective bargaining agreement and devised his own brand of industrial justice. Having carefully reviewed the record, we disagree and affirm for the reasons stated in the district court's memorandum and order. See 8th Cir. R. 47B.

A true copy.

Attest:

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

*The Honorable Joseph F. Bataillon, United States District Judge for the District of Nebraska.