

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

SBM SITE SERVICES, LLC	
and	
JOSE LA SERNA, an Individual	Cases: 20-CA-157693
and	
ESTHER QUINTANILLA, an Individual	20-CA-157705
and	
ADILIO PRIETO, an Individual	20-CA-157761
and	
LUZ DARY DUQUE LOPEZ, an Individual	20-CA-157884

**RESPONDENT'S REQUEST FOR ORAL ARGUMENT REGARDING ITS
EXCEPTIONS TO THE ALJ'S DECISION**

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Pursuant to the National Labor Relations Board Rules and Regulations § 102.46(e), Respondent SBM Site Services, LLC (“SBM”) hereby request oral argument regarding it’s Exceptions to the ALJ’s Decision in the above referenced matter.

As explained in SBM’s supporting brief, oral argument is warranted due to the improper precedent the ALJ’s decision would set if allowed to stand. Among other things, the decision represents a dangerous departure from well-settled Board law and would hamstring employers’ ability to terminate employees who engage in willful misconduct unrelated to protected concerted activities. Indeed, the decision not only misapplies the Board’s *Wright Line* standard, but would establish that employers cannot terminate employees when they lie to avoid lawful discipline. The decision would also, incredibly, discourage employers from conducting investigations before deciding to terminate employees, and would have the Board invade what settled Board law considers the purview of a company’s human resources department—deciding the appropriate level of lawful discipline.

For these reasons, as well as the reasons outlined in SBM’s brief, oral argument is warranted.

Respectfully submitted,

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/s/ Nick C. Geannacopulos

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CERTIFICATE OF SERVICE

The undersigned certifies that she caused a true copy of the foregoing RESPONDENT’S REQUEST FOR ORAL ARGUMENT to be filed electronically through the National Labor Relations Board’s E-filing system on December 1, 2017 and that she caused to be served by email, on the same day, RESPONDENT’S POST HEARING BRIEF upon the following:

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