



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

November 27, 2018

[REDACTED]
SEHAM, SEHAM, MELTZ & PETERSON, LLP
199 MAIN ST, SEVENTH FLOOR
WHITE PLAINS, NY 10601

Re: ZUFFA, LLC, d/b/a Ultimate Fighting
Championship ("UFC")
Case 04-CA-219498

Dear [REDACTED]

Your appeal from the Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied substantially for the reasons in the Regional Director's letter of September 19, 2018.

The evidence fails to establish the Employer took adverse action against the Charging Party for her union and/or protected activity, in violation of Sections 8(a)(1) and (3) of the National Labor Relations Act. In that regard, to determine whether an employer's adverse action against an employee was discriminatorily motivated, the General Counsel must demonstrate by a preponderance of the evidence that the employee's protected activity was a motivating factor for the adverse decision; only after such showing is established, the inquiry turns into whether the employer would have taken the same action in the absence of the protected conduct. See *Wright Line*, 251 NLRB 1083 (1980), enfd. 662 F.2d 899 (1st Cir. 1981), cert. denied 455 U.S. 989 (1982).

The evidence did not establish that the Employer's decision was based on the Charging Party's alleged protected concerted activities, rather than work-related reasons. We determined that there was insufficient evidence to establish a causal link between the Employer's adverse actions and her alleged union/protected concerted activities. Instead, the Employer had legitimate independent reasons for its decisions, and it would have taken the same action even in the absence of any alleged protected conduct by the Charging Party.

As to your assertions regarding the processing of the charge, after a review of the case file, we find the investigation and determination are in accordance with the Board's practices and procedures.

Finally, your request for oral argument is declined as the evidence presented is sufficient to make a determination on the matters alleged in the charge. Accordingly, the appeal is denied, and further processing are unwarranted.

Sincerely,

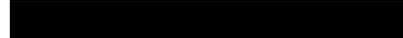
Peter Barr Robb
General Counsel



By: _____

Mark E. Arbesfeld, Director
Office of Appeals

cc: DENNIS P. WALSH
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
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100 E PENN SQUARE STE 403
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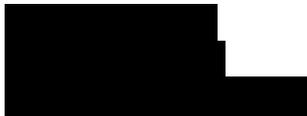

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