

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

T-MOBILE USA, INC.

and

**COMMUNICATION WORKERS OF AMERICA,
AFL-CIO**

**Cases 14-CA-155249
14-CA-158446
14-CA-162644
14-CA-166164**

GENERAL COUNSEL’S RESPONSE to the BOARD’S ORDER TO SHOW CAUSE

On April 2, 2020, the National Labor Relations Board (Board) ordered that cause be shown why Complaint paragraphs 6, 7(a), and 7(c) in this matter should not be remanded to the administrative law judge (ALJ) for further proceedings consistent with the Board’s decision in *Caesars Entertainment d/b/a Rio All-Suites Hotel & Casino*, 368 NLRB No. 143 (December 16, 2019). The Board’s order concerns the question of whether Respondent’s employees would otherwise be deprived of any reasonable means of communication with each other if prohibited from accessing Respondent’s IT resources for nonbusiness use. See *Id.*, slip op. at 8.

On April 6, 2020, the Communication Workers of America, AFL-CIO (Union) filed its response to the Board’s order wherein it asserted that it does not intend to offer additional evidence or argument relevant to the *Caesar’s Entertainment* exception. As a result, the Union took the position that there is no reason to remand the relevant portions of the General Counsel’s Complaint to the ALJ. Consistent with the Union, the General Counsel does not possess and therefore does not intend to submit additional evidence or argument relevant to the exception in question. Consequently, the General Counsel agrees with the Union that there is no need to remand Complaint paragraphs 6, 7(a), and 7(c) to the ALJ for further proceedings.

Dated: April 7, 2020

Respectfully submitted,

Handwritten signature of William F. LeMaster in cursive script.

William F. LeMaster
Counsel for the General Counsel