

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

\_\_\_\_\_  
No. 15-60588  
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United States Court of Appeals  
Fifth Circuit

**FILED**

August 30, 2016

Lyle W. Cayce  
Clerk

KATCH KAN USA, L.L.C.

Petitioner/Cross-Respondent,

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent/Cross-Petitioner.

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On Petition for Review and Cross-Application  
for Enforcement of an Order of the  
National Labor Relations Board  
NLRB No. 16-CA-134743  
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Before KING, SMITH, and COSTA, Circuit Judges.

PER CURIAM:\*

Katch Kan USA, L.L.C. seeks review of a National Labor Relations Board order finding that it engaged in an unfair labor practice when it fired Tanner Siems. Katch Kan maintains that it terminated Siems because he refused an assignment to Saudi Arabia. The Board, however, adopted the finding of an administrative law judge who concluded that the termination was retaliation for Siems's engaging in protected activity just eleven days before he

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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was fired. The protected activity involved participation in a work stoppage that protested a significant change in Katch Kan's compensation system.

The standard of review decides the outcome of this appeal. We must enforce the Board's order so long as it is supported by substantial evidence, which we have described as evidence that is "relevant and sufficient for a reasonable mind to accept as adequate to support a conclusion." *El Paso Elec. Co. v. N.L.R.B.*, 681 F.3d 651, 656–57 (5th Cir. 2012) (internal quotation marks and citation omitted). Having reviewed the record, briefs, and arguments of counsel, we conclude that substantial evidence supports the Board's order.

Katch Kan's petition is DENIED. The Board's order is ENFORCED.