



MEMORANDUM

**To: Chief Executives
Club Presidents**

From: Jeffrey Pash

Date: September 7, 2012

Subject: Bounty Matter/Appeal Panel Decision on Player Discipline

Earlier today, the appeals panel established under the CBA issued a decision in this matter.

Following the Commissioner's decision to suspend four current or former New Orleans Saints players for their role in the bounty program, the NFLPA argued that the Commissioner could not discipline the players because their conduct involved "undisclosed compensation" in violation of the salary cap rules, a subject over which the System Arbitrator (currently Prof. Stephen Burbank) has exclusive disciplinary authority.

After a hearing in May, Prof. Burbank ruled that the players' actions constituted conduct detrimental fully within the scope of the Commissioner's disciplinary authority. The NFLPA appealed Prof. Burbank's decision to the newly-created appeal panel.

The decision today stated that the bounty program was "both an undisclosed agreement to provide compensation to players and an agreement to cause, or attempt to cause injury to opposing players . . . And the Commissioner would have exclusive jurisdiction to impose penalties for the players' agreement to seek to injure opposing players." The panel said it could not be sure that the players were not also disciplined for salary cap violations (receiving cash payments under the bounty program). Accordingly, the panel vacated the suspensions and sent the matter back to the Commissioner for "an expeditious re-determination" of the discipline imposed. Consistent with the decision, the four players have been reinstated.

Nothing in today's decision contradicts any of the facts found in the investigation into this matter, or absolves any player of responsibility for conduct detrimental. Nor does the decision in any way suggest what discipline would be appropriate for conduct that lies within the authority of the Commissioner. Per the panel's direction, the Commissioner will promptly reconsider the matter and make a determination of the appropriate discipline consistent with the standards set forth in today's decision. All clubs will be advised when that decision is made.