



FILED AS PART  
OF THE RECORD  
4 JUNE 1984  
(Date)  
R. SOBERNHEIM (JB)  
Chairman

.....  
Appeal of :  
:  
NATIONAL FARMWORKER :  
CENTER :  
:  
Under Contract No. :  
99-8-1736-15-44 :  
.....

Case No. 84-BCA-4

ORDER OF DISMISSAL

Respondent has moved to dismiss the appeal on the ground that the dispute of the parties to the appeal does not arise under or out of a contract but out of a CETA grant. Both parties are now agreed on this point.

It follows that the Board of Contract Appeals of the United States Department of Labor is without jurisdiction of the appeal taken by the National Farmworker Center and that the same must be dismissed. On the other hand, it appears, and the parties do not deny, that jurisdiction over the parties' dispute rests with the administrative law judges of the United States Department of Labor (20 CFR 676.88) and the parties are agreed on the transfer of this proceeding to an administrative law judge for decision.

Accordingly, it is ordered:

1. Appeal case No. 84-BCA-4 is dismissed for want of jurisdiction.
2. The proceeding is transferred to the office of Administrative Law Judges of the United States Department of Labor for docketing and such further proceedings as applicable laws and regulations provide.

Dated: Washington, DC  
4 June 1984

RUDOLF SOBERNHEIM  
Administrative Law Judge  
Chairman, U.S. Department of Labor  
Board of Contract Appeals

I concur:

SAMUEL B. GRONER  
Administrative Law Judge  
Member, U.S. Department of Labor  
Board of Contract Appeals

I concur:

GLENN ROBERT LAWRENCE  
Administrative Law Judge  
Member, U.S. Department of Labor  
Board of Contract Appeals