



In the Matter of:

**E.L. THOMPSON ASSOCIATES, LLC.,
Contractor,**

ARB CASE NO. 00-016

DATE: February 25, 2000

**In re: Application of General Decision
GA 980087, dated September 4, 1998, a
prevailing wage decision affecting carpenters,
drywall finishers, and laborers employed by
the contractor at the Federal Reserve Bank
construction site, Atlanta, GA.**

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Complainant:

Allen W. Groves, Esq., Jana L. Evans, Esq., *McCullough Sherrill, LLP, Atlanta, Georgia*

For the Respondent:

Lois Zuckerman, Esq., Steven J. Mandel, Esq., *U.S. Department of Labor, Washington, D.C.*

DISMISSAL ORDER

E.L. Thompson Associates, LLC., (Thompson) has petitioned the Administrative Review Board (Board) for review of a wage determination (General Decision GA 980087), published by the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division. The wage determination, issued pursuant to the Davis-Bacon Act (40 U.S.C. § 276a *et seq.*) and 29 C.F.R. Part 7, affects wage rates paid to carpenters, drywall finishers and laborers working on the Federal Reserve Bank construction site in Atlanta, Georgia.

On December 23, 1999, the Deputy Administrator of the Wage and Hour Division moved to dismiss Thompson's petition for review on the ground that the Administrator had not issued a final ruling. In support of this motion, the Deputy Administrator cited 29 C.F.R. §7.1(b) which provides that the Board has jurisdiction to decide "in its discretion appeals concerning questions of law and fact from final decisions under parts 1, 3, and 5 of [29 C.F.R. Subtitle A]." 29 C.F.R. §7.1(b).

On January 13, 2000, we issued an Order to Show Cause why the petition for review should not be dismissed and the case remanded to the Administrator for review and reconsideration of the wage determination. Thompson has responded to the Order stating, "Because the Motion by the Deputy Administrator appears to be correct, in that E.L. Thompson has not yet addressed its concerns directly to the Administrator in Washington, D.C., E.L. Thompson does not object to the dismissal of this Petition pending review by the Administrator." We therefore **DISMISS** Thompson's petition for review and instruct the Administrator to issue a final decision on review and reconsideration of the wage determination.

SO ORDERED.

PAUL GREENBERG

Chair

E. COOPER BROWN

Member

CYNTHIA L. ATTWOOD

Member