

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 22 March 2005

In the Matter of:

Disputes concerning the payment
of prevailing wage rates by:

Case Number: 2004-DBA-00013

PEOPLE BUSINESS NETWORK, INC.
Prime Contractor

With respect to laborers and
mechanics employed by:

PEOPLE BUSINESS NETWORK, INC.
Respondent

on Metropolitan Council contract
number 01P087P, Coon Rapids,
Minnesota.

DECISION AND ORDER OF DEFAULT JUDGMENT

This case arises under the Reorganization Plan No. 14 of 1950 (64 Stat. 1267), the Davis-Bacon Act (DBA), as amended, and the applicable regulations issued thereunder at 29 C.F.R. Part 5.

By letter dated May 3, 2004, the Department of Labor (DOL) notified Respondent that it had breached a contract with the United States Government by violating the above-mentioned Acts and regulations. By letter dated June 1, 2004, Respondent filed a request for a hearing. DOL filed an Order of Reference in this Office on August 10, 2004. This Office issued a Pre-Hearing Order on August 25, 2004 which required DOL to furnish the Prime Contractor and any subcontractor certain information regarding this matter. After service of this information, Respondent had twenty days to file an answer admitting or denying the allegations. DOL filed the required information in this Office on September 14, 2004. On November 8, 2004, this Office issued an Order to Respondent to Show Cause why a default judgment should not be entered in this case for failure to comply with the Notice of Docketing. On January 31, 2005, DOL filed a Motion for Default Judgment in this Office. To date, Respondent has failed to file a response to the Pre-Hearing Order or the Show Cause Order.

After considering Respondent's failure to respond in this matter, Respondent's request for a hearing is dismissed and the following facts, as set forth in the Notification

Letter and the Secretary's Motion for Default Judgment, are adopted as my findings of facts:

The United States Government awarded Respondent contract number 01P087P which contained the stipulations and representations required by the Act and regulations. During the contract period, Respondent failed and refused to pay employees working under the contract minimum monetary wages and fringe benefits. The names of the employees and the amounts of underpayment are listed in DOL's Exhibit A. Back wages have been withheld by the contracting agency, Metropolitan Council Family Affordable Housing Program.

ORDER

In consideration of the aforesaid, it is hereby **ORDERED** that:

- 1) A judgment by default is entered against **PEOPLE BUSINESS NETWORK, INC.**
- 2) Respondent is liable for a total of \$3,567.52 in back wages to the two affected employees listed in Exhibit A; and
- 3) Metropolitan Council Family Affordable Housing Program shall release \$3,567.52 in funds to DOL for disbursement to the affected employees.

A
Thomas M. Burke
Associate Chief Judge

TMB/lmr