



Issue Date: 09 September 2020

Case No.: 2018-SCA-00015

In the Matter of:

JAX LOGISTICS DEDICATED SERVICES, INC., and
ANDREA DUNHAM, an individual,
Respondents.

FINAL DECISION

The Office of Administrative Law Judges received a Complaint, dated September 5, 2018, from the Office of the Solicitor acting as counsel for the Wage and Hour Division against the above named Respondents based on alleged violations of the McNamara-O'Hara Service Contract Act of 1965 (SCA), 41 U.S.C. §§ 6701-6707, as amended, and the implementing regulations promulgated by the Secretary of Labor (29 C.F.R. §§ 4.1 *et seq.*). Respondents, through Counsel, filed an Answer on October 9, 2018. A Notice of Assignment and Notice of Hearing/Scheduling Order was issued by the Court on October 25, 2019.

On November 29, 2019, Respondent's Counsel filed a Motion to Withdraw. Counsel stated he had been informed that his services were no longer needed and he has been unable to receive any responses to phone calls, text messages, or email from Respondents for the past three months. On January 8, 2020, the Court issued an Order Granting Motion to Withdraw and Cancelling Hearing. Therein, the Court ordered Respondent's to provide the Court with a statement as to their intent to proceed and any updated addresses or phone numbers. Further, the Court notified Respondents of a telephone conference call. Respondents were notified that failure to provide the requested information or to participate in the conference call may result in entry of a Default Judgment for the Wage and Hour Division.

Respondents did not participate in the scheduled conference call and have not provided the requested information. Respondents were expressly warned that failure to respond could result in entry of a Default Judgment.

Based on the above, it is hereby **ORDERED** that:

1. The allegations in the September 5, 2018 Complaint are adopted as my findings of fact;
2. Default Judgment is entered against Respondents;
3. Respondents are jointly and severally liable for all relief prayed for in Sections IV, V and VI of the September 5, 2018 Complaint.

4. Respondents' names shall be placed on the list maintained by the Comptroller General of the United States, of persons or firms having been found to have violated the Act, and therefore having become ineligible, for a period of three (3) years from the date of publication on the list, for the award of any contract of the United States.

SO ORDERED.

LARRY W. PRICE
Administrative Law Judge

LWP/jcb
Newport News, VA

NOTICE: To appeal, you must file a written petition for review with the Administrative Review Board ("ARB") within 40 days after the date of this Decision and Order (or such additional time that the ARB may grant). *See* 29 C.F.R. § 6.20.

The Board's address is: Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Avenue, NW, Washington DC 20210, for traditional paper filing. Alternatively, the Board offers an Electronic File and Service Request (EFSR) system. The EFSR for electronic filing (eFile) permits the submission of forms and documents to the Board through the Internet instead of using postal mail and fax. The EFSR portal allows parties to file new appeals electronically, receive electronic service of Board issuances, file briefs and motions electronically, and check the status of existing appeals via a web-based interface accessible 24 hours every day. No paper copies need be filed.

An e-Filer must register as a user, by filing an online registration form. To register, the e-Filer must have a valid e-mail address. The Board must validate the e-Filer before he or she may file any e-Filed document. After the Board has accepted an e-Filing, it is handled just as it would be had it been filed in a more traditional manner. e-Filers will also have access to electronic service (eService), which is simply a way to receive documents, issued by the Board, through the Internet instead of mailing paper notices/documents.

Information regarding registration for access to the EFSR system, as well as a step by step user guide and FAQs can be found at: <https://dol-appeals.entellitrak.com>. If you have any questions or comments, please contact: Boards-EFSR-Help@dol.gov

A copy of any such petition must also be provided to the Chief Administrative Law Judge, Office of Administrative Law Judges, 800 K Street, NW, Washington, DC 20001-8002. Your petition must refer to the specific findings of fact, conclusions of law, or order at issue. A petition concerning the decision on the ineligibility list shall also state the unusual circumstances or lack thereof under the Service Contract Act, and/or the aggravated or willful violations of the Contract Work Hours and Safety Standards Act or lack thereof, as appropriate.

The ARB's Rules of Practice further require that the petitioner provide to the ARB an original and four copies of the petition and any other papers submitted to the ARB. 29 C.F.R. § 8.10(b). However, if you e-File your petition, only one copy need be uploaded.

Service is to be in person or by mail. 29 C.F.R. § 8.10(c). Service by mail is complete on mailing, and the petition is considered filed upon the day of service by mail. 29 C.F.R. § 8.10(c). The petition must contain an acknowledgement of service by the person served or proof of service in the form of a statement of the date and the manner of service and the names of the person or persons served, certified by the person who made service. 29 C.F.R. § 8.10(d).

A copy of the petition is also required to be served upon the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor, Washington, DC 20210; the Administrator, Wage and Hour Division, U.S. Department of Labor, Washington, DC 20210; the Federal contracting agency involved; and all other interested parties. 29 C.F.R. § 8.10(e).