



In the Matter of:

S. B. BALLARD CONSTRUCTION CO.,

ARB CASE NO. 99-019

***In re:* Review and reconsideration of
wage determination VA970084**

DATE: February 3, 1999

ORDER OF DISMISSAL

By letter dated November 30, 1998, S.B. Ballard Construction Company (S.B. Ballard) petitioned the Board for review of Davis-Bacon wage determination rates applicable to reinforcing iron workers at locations in Virginia. Attached to the Petitioner's letter were (1) a copy of wage determination VA970084-1, and (2) excerpts from the Occupational Employment Survey Booklet of Definitions for General Contractors, published by the Bureau of Labor Statistics. Significantly, however, there was no indication that Petitioner had requested review and reconsideration of the contested wage determination from the Wage and Hour Administrator, pursuant to 29 C.F.R. §1.8 (1998).

The Board's jurisdiction to consider cases under the Davis-Bacon Act extends only to review of "final decisions" of the Administrator of the Wage and Hour Division (or authorized representative) under 29 C.F.R. Parts 1, 3 and 5. 29 C.F.R. §7.1(b).^{1/} Thus, it is only *after* the Administrator has reviewed materials submitted by interested parties and issued a final decision that the decision may be appealed to this Board. When review and reconsideration has not been sought from the Administrator, the Board does not have jurisdiction to consider the matter.

On January 7, 1999, we issued an Order to Show Cause, alerting S.B. Ballard to the jurisdictional problem and directing the petitioner to demonstrate, through a pleading filed no later than January 27, 1999, why the case should not be dismissed. Because no response to our Order has

^{1/} Under the regulations dealing with Davis-Bacon enforcement actions, the Board also hears appeals of certain decisions issued by Administrative Law Judges under 29 C.F.R. Part 6. 29 C.F.R. §§6.20, 6.34, 6.45, 6.57.

been received, we hereby dismiss the petition for lack of jurisdiction, without prejudice. If S.B. Ballard seeks review and reconsideration of the challenged wage determination from the Administrator, *see* 29 C.F.R. §1.8, and obtains a decision from the Administrator, the company will C.F.R. Part 7B.

SO ORDERED.

PAUL GREENBERG
Chair

E. COOPER BROWN
Member

CYNTHIA L. ATTWOOD
Acting Member