



In the Matter of:

**PLUMBERS LOCAL UNION NO. 27**

**ARB CASE NO. 99-032  
(Formerly 97-106)**

***In re: Davis-Bacon Wage Survey, Wage  
Determination No. PA960013, Mod. No. 1,  
Aug. 16, 1996***

**DATE: June 29, 1999**

**ORDER**

This case arose pursuant to the Davis-Bacon Act, 40 U.S.C. § 276(a) *et seq.* and 29 C.F.R. Part 7. The central issue in the case, having to do with the Wage and Hour Division's Davis-Bacon wage survey methodology, was addressed in an earlier petition for review filed by Plumbers Local Union No. 27 (Plumbers Local 27), docketed as ARB Case Number 97-106. That petition was granted by the Board in July 1998. *In the Matter of Plumbers Local Union No. 27*, ARB Case No. 97-106, Fin. Dec. & Ord. (July 30, 1998). In the decision, we remanded the matter to the Administrator for further consideration of wage data that Plumbers Local 27 had submitted in connection with a 1996 residential construction wage survey covering Allegheny County, Pennsylvania.

The Deputy Administrator issued a decision on remand on December 2, 1998. Letter from Corlis Sellers, National Office Program Administrator to Ernest B. Orsatti, dated Dec. 2, 1998. On December 22, 1998, Plumbers Local 27 requested an "extension of time in which to file an appeal of the December 2, 1998, determination until thirty (30) days after meeting with the Administrator or a denial of [its attorney's] request for a meeting." We interpreted Plumbers Local 27's correspondence as a protective Petition for Review and issued an order on January 14, 1999, acknowledging the appeal and establishing a briefing schedule.

On January, 27, 1999, the Deputy Administrator moved the Board to withdraw the briefing schedule, advising the Board that the parties had corresponded and met in an effort to address Plumbers Local 27's concerns. The Board granted the Deputy Administrator's motion and ordered the parties to file with the Board a monthly report on the status of the matter.

On May 17, 1999, the Deputy Administrator issued a supplement to his final ruling of December 2, 1998. Counsel for Plumbers Local 27 has informed us that the union does not intend to pursue this case further and that under its interpretation of the December 22, 1998 letter, no appeal currently is pending before the Board. Accordingly, this case is deemed **CLOSED**.

**SO ORDERED.**

**PAUL GREENBERG**

Chair

**E. COOPER BROWN**

Member

**CYNTHIA L. ATTWOOD**

Member