



In the Matter of:

**UNITED GOVERNMENT SECURITY
OFFICERS OF AMERICA, LOCAL 81**

ARB CASE NO. 98-151

DATE: October 2, 1998

***In re:* Review and Reconsideration of
a Wage Determination for Court Security
Officers, Contract No. MS-94-0009
Honolulu, Hawaii**

ORDER OF DISMISSAL

Pursuant to the McNamara-O’Hara Service Contract Act of 1965, as amended, 41 U.S.C. §351 *et seq.* (SCA) (1994) and 29 C.F.R. Parts 4 and 8 (1998), the Administrative Review Board, United States Department of Labor, is in receipt of a Petition for Review (petition) filed by United Government Security Officers of America, Local 81 (Petitioner), seeking review of a ruling letter dated July 31, 1997, from the Wage and Hour Division. The petition was filed on August 3, 1998. On August 12, 1998, the Board issued a Notice of Appeal, as well as a briefing schedule. The petition raises questions concerning the payment of SCA-mandated fringe benefits in Hawaii, a state which requires employers to provide health insurance under state law.

On September 4, 1998, the Acting Administrator submitted a motion to dismiss the petition for lack of ripeness, and to suspend the briefing schedule. In support of the motion to dismiss, the Acting Administrator avers that the Division’s July, 1997 letter did not constitute a final decision of the Administrator under the applicable regulations. *See*, 29 C.F.R. 8.1(b). The Acting Administrator further advises the Board that Petitioner’s submission will be viewed as a request for reconsideration that will result in a final ruling.

Upon review of the petition and its attachment, as well as the Acting Administrator's motion, it is the Board's view that the matter is not ripe for review at this time. We therefore grant the Acting Administrator's motion and dismiss the petition without prejudice.

SO ORDERED.

PAUL GREENBERG

Member

CYNTHIA L. ATTWOOD

Acting Member