



In the Matter of:

In re ESU, Inc.,

ARB CASE NO. 04-180

Petitioner

DATE: January 26, 2005

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearance:

For the Petitioner:

Howell R. Riggs, pro se, Huntsville, Alabama

FINAL DECISION AND ORDER

On September 20, 2004, ESU, Inc. submitted a

Request for an Administrative Review Board to the U.S. Department of Labor [sic] as a result of existing allegations of improper compensations for health & welfare benefits to employees under contract number GS02P-97-CID0202 for “Security Guard Services” in support of the General Services Administration (GSA). This review request is based on the Governments [sic] position of underpayments of entitled benefits and ESU’s position of overpayments of entitled benefits.

The Secretary of Labor established the Administrative Review Board to issue final decisions for the Secretary in cases arising under a limited number of specified statutory provisions.¹ To establish the Board’s jurisdiction, a petitioner must request review of a final order of the Administrator of the Department of Labor’s Wage and Hour Division (Administrator) or a decision or recommended decision of a Department of Labor Administrative Law Judge (ALJ) arising under one of the statutory provisions listed in the Secretary’s Order.

¹ Secretary’s Order 1-2002 (Delegation of Authority and Responsibility to the Administrative Review Board), 67 Fed. Reg. 64272 (Oct. 17, 2002).

ESU's request for review did not include a copy of or reference to a final order of the Administrator or an ALJ decision or recommended decision. Accordingly, the Board ordered ESU to show cause no later than October 21, 2004, why the Board should not dismiss ESU's petition for review on the grounds that the Board does not have jurisdiction to consider it.

Howell R. Riggs, Attorney (200 Clinton Avenue, Suite 804, Huntsville, Alabama 35801) prepared the request for "Administrative Board Review" on ESU, Inc. letterhead. Riggs provided no other address for ESU, Inc. The copy of the Show Cause Order that the Board sent to Riggs by certified mail was returned to the Board with the notation "return to sender, refused." ESU has not responded to the Board's Show Cause Order.

It appears that ESU has abandoned its prosecution of this case. In any event, ESU has failed to establish, nor are we aware of, any basis for the Board to assert jurisdiction of this appeal. Accordingly, we **DISMISS** ESU's appeal.

SO ORDERED.

WAYNE C. BEYER
Administrative Appeals Judge

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge