



In the Matter of:

**LABORERS INTERNATIONAL UNION OF
NORTH AMERICA, EASTERN REGION,
and LABORERS LOCAL UNION 199**

ARB CASE NO: 03-114

DATE: October 21, 2003

**Dispute concerning the application of wage
rate determinations in General Decision
Numbers DE020002 and DE020005 applied
to laborers engaged in heavy and building
construction in the State of Delaware.**

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For Administrator, Wage and Hour Division:

**Mary J. Rieser, Esq., Douglas J. Davidson, Esq., Steven J. Mandel, Esq., Howard M.
Radzely, Acting Solicitor of Labor, U.S. Department of Labor, Washington, D.C.**

For the Petitioner:

**Perry F. Goldlust, Esq., Joanne A. Shallcross, Esq., Aber, Goldlust, Baker & Over,
Wilmington, Delaware**

FINAL ORDER DISMISSING APPEAL

On July 9, 2003, the Administrative Review Board issued a notice of Appeal and Order Establishing Briefing Schedule in this case arising under the Davis Bacon Act, 40 U.S.C.A § 276a et seq. (West 2001). On July 28, 2003, the Wage and Hour Administrator filed a Motion to Dismiss Petition for Review Due to Lack of Finality and to Suspend the Briefing Schedule (Motion to Dismiss). In the Motion, the Administrator states that the petition for review filed by the Laborers International Union of North America and Laborers Local Union 199 (LIU) is premature and that the appeal should be dismissed "due to lack of finality, because the Administrator has not issued a final decision in response to Petitioner's Request for Reconsideration." Motion to Dismiss at 1.

On July 30, 2003, the Board issued an order directing LIU to show cause why this appeal should not be dismissed as premature. On August 6, 2003, LIU filed a Notice of

Withdrawal Without Prejudice. We **GRANT** LIU's motion. LIU's petition for review is withdrawn and LIU retains the right to refile when the Administrator's decision becomes final.

SO ORDERED.

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge

WAYNE C. BEYER
Administrative Appeals Judge