



In the Matter of:

BILL J. COPELAND
Prime Contractor

ARB CASE NO. 97-064
(ALJ CASE NO. 96-DBA-18)

DATE: September 15, 1997

ORDER

This case arises under the provisions of the Davis-Bacon Act (DBA), 40 U.S.C. §§276a *et seq.* (1994), the Contract Work Hours and Safety Standards Act (CWHSSA), as amended, 40 U.S.C. §§327-332, and the regulations at 29 C.F.R. Parts 5, 6, and 7 (1996). The Acting Administrator (Administrator), Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor timely petitioned for review of the Decision and Order of the Administrative Law Judge (ALJ) issued January 28, 1997.

The ALJ dismissed the Administrator's Order of Reference charging Bill J. Copeland (Copeland) with violations of the DBA and the CWHSSA. On March 10, 1997, this Board issued a Notice of Petition for Review and Order Establishing Briefing Schedule, requesting the parties to submit statements in support of, and in opposition, to the Administrator's petition.

Our review of the case record indicates unwarranted delay on the part of the Administrator in bringing this matter to resolution. We are particularly mindful that Copeland has apparently been thwarted in his discovery attempts with the putative claimants. *See* Copeland's statement in Opposition to the Administrator's Petition at 18-19.

It is therefore ORDERED that the Administrator will provide to this Board and serve on all parties, within twenty (20) days from the date of this Order, a list of witnesses who are certified to be available and will testify at a hearing on the merits of this case. That list shall also include a correct, current, verified address and phone number for each witness.

SO ORDERED.

DAVID A. O'BRIEN
Chair

KARL J. SANDSTROM
Member

JOYCE D. MILLER
Alternate Member