



In the Matter of:

FIREPROOF CONTRACTORS, INC.

ARB CASE NO. 03-021

DATE: May 27, 2003

**Dispute regarding General Decision
#TX000010 or the wage rate
classification for insulation installers
working on the Vera B. May Community
Center expansion, Harris County,
Houston, TX.**

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Petitioner:

Raymond J. Daigle, Jr., *pro se*, Houston, Texas

FINAL ORDER DISMISSING PETITION FOR REVIEW

Pursuant to the Davis-Bacon Act (40 U.S.C.A. § 276a *et seq.* (West 2001)) and 29 C.F.R. Part 7 (2002), the Administrative Review Board, United States Department of Labor, is in receipt of a petition for review filed by Fireproof Contractors, Inc. (Petitioner). The request seeks reconsideration of a wage determination, General Decision #TX000010, which has been applied to the installers of insulation material at the Vera B. May Community Center jobsite.

The Board has jurisdiction under the Davis-Bacon Act to “hear and decide in its discretion appeals concerning questions of law and fact from **final** decisions under [29 C.F.R. Part 1].” 29 C.F.R. § 7.1(b)(emphasis supplied). Furthermore, “[a]ny interested person may appeal to the Administrative Review Board for a review of a wage determination or its application made under [Part 1], **after reconsideration has been sought pursuant to § 1.8 and denied.** 29 C.F.R. § 1.9. The procedures for obtaining reconsideration of a wage determination from the Department of Labor’s Wage and Hour Administrator are described in 29 C.F.R. § 1.8 (“Any interested person may seek reconsideration of a wage determination issued under this part or of a decision of the Administrator regarding application of a wage determination.”).

The Petitioner’s filing provided no indication that the Petitioner had requested

reconsideration of the wage determination and that the Administrator had issued a final decision denying the motion for reconsideration. Unless the Administrator had issued a final order upon reconsideration of the wage determination, the Board does not have jurisdiction to consider an appeal of the wage determination. Accordingly, the Board ordered the Petitioner to provide the Board with evidence establishing that the Board has jurisdiction to consider this appeal, *i.e.*, a copy of the Administrator's order denying the Petitioner's motion for reconsideration of the challenged wage determination or an explanation why the petition should not be dismissed for failure to comply with 29 C.F.R. § 7.1(b).

The Petitioner did not file a response to the Board's Order. Accordingly, in the absence of a copy of the Administrator's order denying the Petitioner's motion for reconsideration of the challenged wage determination or an explanation why the petition should not be dismissed for failure to comply with 29 C.F.R. § 7.1(b), the Board **DISMISSES** the petition for review.

SO ORDERED.

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge

OLIVER M. TRANSUE
Administrative Appeals Judge