



In the Matter of:

H. K. GRIFFITH, INC.

ARB Case No. 97-098

DATED: July 25, 1997

ORDER OF DISMISSAL

The Administrative Review Board, United States Department of Labor, is in receipt Respondent Acting Administrator's motion to dismiss the captioned matter arising under the Davis-Bacon Related Acts. *See* 29 C.F.R. §5.1. In support, counsel for the Respondent avers that there has been no reviewable decision of either the Acting Administrator or an Administrative Law Judge and therefore the matter is not ripe for review by the Board. Petitioner did not file a response to the Acting Administrator's motion to dismiss.

Petitions for Review by this Board are governed by the regulation at 29 C.F.R. §7.9 providing that:

Any party or aggrieved person shall have right to file a petition for review with the Board . . . within a reasonable time from any final decision in any agency action under part 1, 3, or 5 of [29 C.F.R.].

It being undisputed that the instant Petition seeks review of a Wage and Hour Division compliance investigation (an intermediate step in the DBRA administrative process), there is

no “final decision” which the Board may review at this time. Accordingly, this matter is **dismissed without prejudice.**

SO ORDERED.

DAVID A. O'BRIEN

Chair

KARL J. SANDSTROM

Member

JOYCE D. MILLER

Alternate Member