

U.S. Department of Labor

Office of Administrative Law Judges
36 E. 7th St., Suite 2525
Cincinnati, Ohio 45202

(513) 684-3252
(513) 684-6108 (FAX)



Issue Date: 18 January 2005

Case No. 2005-CBV-1

In the Matter of Wage Rates Collectively
Bargained Regarding:

THE UNITED STATES DEPARTMENT OF LABOR

and

**THE UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE**

and

MANAGEMENT LOGISTICS, INC.,

and

**THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL 236,
INTERNATIONAL UNION OF NORTH AMERICA, AFL-CIO, LOCAL 386,
INTERNATIONAL UNION OF PAINTERS AND ALLIED TRADES, AFL-CIO,
LOCAL 500, AND INTERNATIONAL UNION OF OPERATING ENGINEERS,
AFL-CIO, LOCAL 181,**

Re: National Park Service
Contract Number DAKF11-99, Order No. 1H01
(For Operation, Maintenance and Construction Support Services in
Lyon and Triggs Counties, Kentucky, and Steward County, Tennessee)

ORDER OF DISMISSAL

This matter was transferred to the Office of Administrative Law Judges in an Order of Reference dated November 1, 2004. On November 26, 2004, a Motion to Dismiss, arguing this matter as moot, was filed by the International Brotherhood of Teamsters, Local 236, and the International Union of North America, AFL-CIO, Local 386. On December 3, 2004, the International Union of Operating Engineers filed a Motion to Dismiss, adopting the arguments of the November 26, 2004 motion. On December 21, 2004, the undersigned issued an Order Granting Motion for Extension of Time and Order to Show Cause. This order requested a response by Management Logistics, Inc. and the U.S. Department of Agriculture, Forest Service to respond as to why this matter should not be dismissed as moot. These parties were given until January 5, 2005 to respond.

On January 5, 2005, the Department of Labor submitted the Administrator's Response to Order to Show Cause. The Administrator confirmed that the wage rates and fringe benefits that were paid under the predecessor contract will expire on January 31, 2005, and the collective bargaining rates that are being challenged in this matter will no longer apply after that date. Also, the Administrator stated that there is insufficient time for the undersigned to make a substantial variance determination before the matter becomes moot. As a result, the Administrator did not object to the dismissal of this matter. Responses were not received from Management Logistics, Inc. or the National Park Service by January 4, 2005.

Therefore,

IT IS ORDERED that this matter is dismissed as moot.

A

Thomas F. Phalen Jr.
Administrative Law Judge

NOTICE OF APPEAL:

This Order of Dismissal will automatically become the final order of the Secretary unless, pursuant to 29 C.F.R. § 8, a petition for review is timely filed with the Administrative Review Board, United States Department of Labor, Room S-4309, Frances Perkins Building, 200 Constitution Avenue, NW, Washington, DC 20210. Such a petition for review must be received by the Administrative Review Board within ten business days of the date of this Recommended Decision and Order, and shall be served on all parties and on the Chief Administrative Law Judge. *See* 29 C.F.R. §§ 24.7(d) and 24.8.