



In the Matter of:

**LLOYD T. GRIFFIN, JR.,
LTG CONSTRUCTION CO., INC.,
PHOENIX-GRIFFIN GROUP II, LTD.,
GATSBY HOUSING ASSOCIATES, INC.,**

ARB CASE NO.: 98-028

ALJ CASE NO.: 93-DBA-94/95

DATE: March 10, 1998

COMPLAINANTS,

v.

SECRETARY, U.S. DEPARTMENT OF LABOR,

and

**ADMINISTRATOR, WAGE AND HOUR DIVISION,
U.S. DEPARTMENT OF LABOR,**

RESPONDENTS.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

ORDER OF REMAND

This case arises under the provisions of the Davis-Bacon Act, 40 U.S.C. §§ 276a *et seq.*(1994), and the Related Acts, *see* 29 C.F.R. §5.1 (1996), and the regulations at 29 C.F.R. Parts 5, 6 and 7 (1997).

BACKGROUND

On February 24, 1997, Chief Judge Ronald R. Lagueux, United States District Court for the District of Rhode Island, remanded this case to the United States Department of Labor (USDOL) for further consideration in accordance with the legal principles articulated in that order. On November 7, 1997, the United States Court of Appeals for the First Circuit dismissed USDOL's appeal of the District Court order because the Circuit Court lacks jurisdiction until a "final decision" is issued by the District Court.

ORDER

This case **IS REMANDED** to the presiding Administrative Law Judge for reconsideration and the taking of such additional evidence deemed necessary to comply with the District Court's order. Copies of the U.S. District Court and U.S. Court of Appeals orders are attached.

SO ORDERED.

DAVID A. O'BRIEN

Chair

KARL J. SANDSTROM

Member