



In the Matter of:

**INDEPENDENT ELECTRICAL
CONTRACTORS, GEORGIA
CHAPTER, INC.**

ARB CASE NO. 10-009

DATE: March 10, 2010

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

*For the Petitioner Palisades Independent Electrical Contractors, Georgia Chapter,
Phillip B. Russell, Esq., Constangy, Brooks and Smith, LLP, Tampa, Florida*

*For the Department, Wage and Hour Division:
Dean A. Romhit, Esq., Jonathan Rees, Esq., William C. Lesser, Esq., United
States Department of Labor, Washington, District of Columbia*

**FINAL DECISION AND ORDER DISMISSING APPEAL
WITHOUT PREJUDICE**

Independent Electrical Contractors, Georgia Chapter, Inc. (IEC) petitioned the Administrative Review Board for review of a wage determination for electricians published on November 7, 2008, by the United States Department of Labor's Wage and Hour Administrator under the Davis-Bacon Act.¹ IEC subsequently amended its petition. On March 3, 2010, the IEC and the Wage and Hour Division's Deputy Administrator filed a Joint Motion to Dismiss Without Prejudice.

¹ 40 U.S.C.A. §§ 3141-3148 (Thomson/West 2005 & Supp. 2009).

In support of the Joint Motion, IEC avers that while its amended petition was pending, the Wage and Hour Division (WHD) informed it that although it had denied IEC's request for review and reconsideration, it would be conducting a new survey of electrician wage rates in Georgia beginning approximately in the early summer of 2010. Based on this information, IEC agrees to dismiss the Amended Petition without prejudice to re-file it if the WHD fails to start the new Georgia survey by October 2010. The WHD's Deputy Administrator agrees that IEC should be permitted to dismiss the Amended Petition without prejudice and that if WHD fails to begin the survey by October 2010, she will not contest the timeliness of the new petition should IEC choose to file one. Accordingly, the parties jointly move the Board to grant their motion to dismiss IEC's appeal without prejudice.

The Board has reviewed the Joint Motion and finding that the parties have demonstrated good cause, we **GRANT** the Joint Motion to Dismiss Without Prejudice, which would permit IEC to re-file the petition should the WHD fail to begin a new Georgia survey by October 2010.

SO ORDERED.

PAUL M. IGASAKI
Chief Administrative Appeals Judge

E. COOPER BROWN
Deputy Chief Administrative Appeals Judge