



In the Matter of:

**INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS, AFL-CIO;
And LOCAL UNION NO. 429,
INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS, AFL-CIO.**

ARB CASE NO: 10-119

DATE: July 29, 2010

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For Petitioner:

**Terry R. Yellig, Esq., *Sherman, Dunn, Cohen, Leifer & Yellig, P.C.*, Washington,
District of Columbia**

**Before: Paul M. Igasaki, *Chief Administrative Appeals Judge* and Wayne C. Beyer,
*Administrative Appeals Judge.***

FINAL ORDER DISMISSING APPEAL WITHOUT PREJUDICE

On June 22, 2010, the International Brotherhood of Electrical Workers, AFL-CIO, and Local Union No. 429 (collectively IBEW) petitioned the Administrative Review Board to review a May 20, 2010 final determination of the Administrator of the Wage and Hour Division pursuant to the Davis-Bacon Act.¹ The Administrator's final determination is in response to a request for reconsideration filed on behalf of the Southern Electrical Contractors Association and its nine individual electrical contractor-

¹ 40 U.S.C.A. §§ 3141-3148 (West Supp. 2003). The regulations that implement the Act are found at 29 C.F.R. Parts 1 and 5 (2009). The Administrative Review Board has jurisdiction to decide appeals from the Administrator's final decisions concerning DBA wage determinations. 29 C.F.R. § 7.1(b). See Secretary's Order 1-2010 (Delegation of Authority and Assignment of Responsibility to the Administrative Review Board), 75 Fed. Reg. 3924 (Jan. 15, 2010).

members, and it concerns Electrician wage rates published in Davis-Bacon General Wage Decision Nos. TN080001 and TN080014.

On July 16, 2010, the Wage and Hour Division notified the interested parties that it has withdrawn its May 20, 2010 determination. Therefore because IBEW concluded that its petition for review is now moot, it filed a motion on July 19, 2010, asking the Board to voluntarily dismiss without prejudice its June 18, 2010 “Petition for Review of Request for Reconsideration of Electrician Wage Rates Published in General Wage Decision Nos. TN080001 and TN080014.”

Accordingly, because the issue the IBEW presented on appeal is moot, we **GRANT** IBEW’s motion and **DISMISS** its appeal without prejudice.

SO ORDERED.

PAUL M. IGASAKI
Chief Administrative Appeals Judge

WAYNE C. BEYER
Administrative Appeals Judge