



IN THE MATTER OF:

BRIAN KEITH SMITH DUBOIS,

ARB CASE NO. 14-062

COMPLAINANT,

ALJ CASE NO. 2014-DBA-015

v.

DATE: July 16, 2014

CLARK CONSTRUCTION,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Complainant:

Jerry Alfonso Miles, Esq., *Deale Services, LLC*, Rockville, Maryland

For the Respondent:

Alexander J. Passantino, Esq.; *Seyfarth Shaw LLP*, Washington, District of Columbia

Before: Paul M. Igasaki, *Chief Administrative Appeals Judge* and Lisa Wilson Edwards, *Administrative Appeals Judge*

**ORDER GRANTING MOTION FOR VOLUNTARY DISMISSAL
WITHOUT PREJUDICE**

On June 11, 2014, the Administrative Review Board issued a Notice of Appeal and Order Establishing Briefing Schedule in this case arising under the Davis-Bacon Act (DBA or the Act).¹ On June 16, 2014, a Department of Labor Administrative Law Judge (ALJ) issued an Order Granting Extension of Time to Respond to Order to Show Cause. Thus it appeared that the ALJ had not yet issued a final decision subject to review by the

¹ 40 U.S.C.A. §§ 3141-3148 (West 2010).

Administrative Review Board as provided in 20 C.F.R. Part 6. Accordingly, the Board ordered Complainant Brian Keith Smith Dubois to show cause, no later than July 11, 2014, why the Board should not dismiss his petition for review because the ALJ has not yet issued a final appealable order in this case.

On July 10, 2014, Complainant filed a Motion for Voluntary Dismissal Without Prejudice. We **GRANT** this motion and **DISMISS** this case without prejudice.

SO ORDERED.

PAUL M. IGASAKI
Chief Administrative Appeals Judge

LISA WILSON EDWARDS
Administrative Appeals Judge