



IN THE MATTER OF:

**Disputes concerning the payment of
prevailing wage rates, fringe benefits,
and falsification of records by:**

ARB CASE NO. 16-045

ALJ CASE NO. 2015-DBA-017

PASCACK BUILDERS, INC.,

DATE: August 4, 2016

PRIME CONTRACTOR,

TRI-STATE BUILDING COMPANY,

SUBCONTRACTOR,

and

FRANKLIN PETTY, JR.,

OWNER,

**Proposed debarment for labor standards
violations by:**

TRI-STATE BUILDING COMPANY,

SUBCONTRACTOR,

and

FRANKLIN PETTY, JR.,

OWNER,

RESPONDENTS.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

ORDER DISMISSING APPEAL

On April 15, 2016, the Administrative Review Board issued an Order Striking Initial Brief in this case because Respondent Petty had failed to serve it on the opposing party and its counsel and had failed to provide the Board with a certificate demonstrating such service, *see* 29 C.F.R. § 8.10(d) (2015). The Board instructed Petty that before it could accept his brief, he must serve the Administrator, Wage and Hour Division and his counsel with a copy of the brief and provide the Board with a certificate of service stating that he has served them.

Petty failed to provide evidence that he had served the Administrator with his brief. Accordingly, on July 19, 2016, the Board issued an Order to Show Cause, requiring Petty to demonstrate why the Board should not dismiss his appeal for abandonment. The Board warned Petty that failure to timely respond to the order could result in the dismissal of his appeal without further order. Nevertheless Petty failed to respond to the Board's Order.

The Board's authority to effectively manage its docket, including authority to require compliance with Board briefing orders, is necessary to "achieve orderly and expeditious disposition of cases."¹ This Board has authority to issue sanctions, including dismissal, for a party's failure to comply with the Board's orders and briefing requirements.² Accordingly, because Petty has failed to respond to the Board's order to show cause why the Board should not consider his appeal to be abandoned, we consider the appeal abandoned and dismiss his appeal.

FOR THE ADMINISTRATIVE REVIEW BOARD:

Janet R. Dunlop
General Counsel

**NOTE: Questions regarding any case pending before the Board should be directed to
the Board's Paralegal Specialists: Telephone: (202) 693-6200
Facsimile: (202) 693-6220**

¹ *Link v. Wabash*, 370 U.S. 626, 630-31 (1962).

² *Jessen v. BNSF Railway Co.*, ARB No. 12-107, ALJ No. 2010-FRS-022 (ARB July 26, 2013). *See also Ellison v. Washington Demilitarization Co.*, ARB No. 08-119, ALJ No. 2005-CAA-009 (ARB Mar. 16, 2009), *aff'd sub nom. Ellison v. U.S. Dep't of Labor*, 09-13054 (11th Cir. June 17, 2010).