



In the Matter of:

IBSA, INC.,

ARB CASE NO. 06-117

COMPLAINANT,

DATE: April 9, 2008

v.

**LOCAL WORKFORCE INVESTMENT
BOARD,**

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

FINAL DECISION AND ORDER DISMISSING APPEAL

IBSA, Inc. has filed a petition for review with the Administrative Review Board (ARB). The ARB's authority to issue final agency decisions is limited by the Secretary of Labor's delegation of authority to it.¹ The matter of which IBSA has sought review is not an appeal from the decision of a Department of Labor Administrative Law Judge or from a final decision of the Department's Wage and Hour Administrator, under the enumerated statutes in the Secretary's delegation of authority. Accordingly, because it is not obvious that the ARB has jurisdiction to act for the Secretary in this case, the ARB ordered IBSA to show cause no later than March 17, 2008, why the ARB should not dismiss its appeal because the Board lacks authority to consider it. The Board cautioned IBSA, "[i]f IBSA fails to timely respond to this Order, the ARB may dismiss IBSA's petition without further notice."

¹ See Secretary's Order 1-2002 (Delegation of Authority and Responsibility to the Administrative Review Board), 67 Fed. Reg. 64,272 (Oct. 17, 2002).

IBSA failed to respond to the ARB's Show Cause Order and has failed to demonstrate that the ARB has jurisdiction to consider its appeal. Accordingly, we **DISMISS** IBSA's appeal.

SO ORDERED.

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge

OLIVER M. TRANSUE
Administrative Appeals Judge