



In the Matter of:

**UNITED GOVERNMENT SECURITY
OFFICERS OF AMERICA, LOCAL 52,**

ARB CASE NO. 05-087

DATE: June 15, 2005

PETITIONER,

v.

**ADMINISTRATOR, WAGE AND HOUR
DIVISION, UNITED STATES DEPARTMENT
OF LABOR,**

RESPONDENT,

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Petitioner:

*James D. Carney, United Government Security Officers of America, Local 52,
Westminster, Colorado*

For the Respondent:

*Carol Arnold, Esq., Ford F. Newman, Esq., Steven J. Mandel, Esq., Howard
Radzely, Esq., U.S. Department of Labor, Washington, D.C.*

FINAL ORDER DISMISSING APPEAL WITHOUT PREJUDICE

On March 17, 2005, the United Government Security Officers of America Local #52 (UGSOA) filed Petitioner's Appeal of the Department of Labor Administrator's Final Ruling in this case arising under the McNamara-O'Hara Service Contract Act (SCA).¹ The Secretary of Labor has delegated to the Administrative Review Board

¹ 41 U.S.C.A. §§ 351-358 (West 1994).

jurisdiction to issue final agency decisions under the SCA.² Local 52 alleged that the Administrator of the United States Department of Labor’s Wage and Hour Division improperly denied its request for a substantial variance hearing regarding Wage Determination No. 199-42057, Revision #35 (08/05/2004) and the collectively bargained rates in the USProtect/UGSOA Local #52 collective bargaining agreement .³

On April 15, the Board issued a Notice of Appeal and Order Establishing Briefing Schedule, and on May 26, 2005, the Board issued an Order Granting Extension of Time and Amending Briefing Schedule. On June 10, 2005, UGSOA and the Administrator filed a Joint Motion to Dismiss this appeal without prejudice. The motion states that the parties have reached “an accord under which petitioner may resubmit to the Wage and Hour Division its request for a substantial variance hearing . . . with respect to the prospective contract year”

Therefore, in accordance with the parties’s joint motion, we **DISMISS** this appeal without prejudice.

SO ORDERED.

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge

OLIVER M. TRANSUE
Administrative Appeals Judge

² Secretary’s Order 1-2002 (Delegation of Authority and Responsibility to the Administrative Review Board), 67 Fed. Reg. 64272 (Oct. 17, 2002). *See also* 29 C.F.R. § 8.1 (2004).

³ *See* 29 C.F.R. § 4.10 (2004).