



In the Matter of:

MATERIAL MOVEMENT, LLC,

ARB CASE NO. 2016-061

and

ALJ CASE NO. 2015-SCA-001

**MARY TALANO and JEFFERY
TALANO,**

DATE: May 17, 2016

RESPONDENTS.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

**ORDER DENYING APPEAL PENDING ISSUANCE OF DECISION ON
RECONSIDERATION**

On March 24, 2016, a Department of Labor Administrative Law Judge (ALJ) issued a Decision and Order Granting Summary Decision (D. & O.) in this case arising under the McNamara-O'Hara Service Contract Act (SCA), 41 U.S.C. § 6701 et seq. (and implementing regulations at 29 C.F.R. Part 4 (2015)). On May 11, 2016 the Administrative Review Board received Respondents' request that we review the ALJ's decision.

The Administrative Review Board has jurisdiction to review ALJ decisions involving alleged violations of the SCA pursuant to 29 C.F.R. § 8.1(b)(3) (2015), *see* 29 C.F.R. § 6.20 (2015). The Board's review of an ALJ's decision under the SCA is in the nature of an appellate proceeding.¹ Respondents state in their request for review that they have requested the ALJ to reconsider his decision and that he has not yet responded to that request. Until the ALJ issues an order in response to the request for reconsideration, the Board does not consider his decision to be final and subject to review. Accordingly, we **DENY** Respondents' request that we review the ALJ's March 24, 2016 D. & O. pending the ALJ's resolution of Respondent's Motion for Reconsideration. If, once the ALJ issues his D. & O., Respondents still wish to appeal it, they

¹ 29 C.F.R. § 8.1(d).

may file a new petition with the Board within 40 days of the date on which the decision on reconsideration is issued, requesting the Board to review the ALJ's decisions.

FOR THE ADMINISTRATIVE REVIEW BOARD:

Janet R. Dunlop
General Counsel