



IN THE MATTER OF:

**VETERAN NATIONAL TRANSPORTATION,
LLC,
(with respect to Federal Service Contract Wage
Determination, contract Number VA258-15-D-0037).**

ARB No. 17-043

DATE: June 13, 2017

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

ORDER OF DISMISSAL

On May 1, 2017, Veteran National Transportation, LLC (VNT) requested “reconsideration of the attached wage determination decision pursuant to 29 C.F.R. § 4.55.”¹ The attached document, a “Determination to withhold contract funds” states that the Department of Labor is conducting an investigation of LMC Med Transportation’s performance on contract no. VA258-15-D-0037. It continues

Our investigation has determined that violations exist as a result of failure to pay the requisite prevailing wage for all hours spent in principal contract activity.

Please be advised that any determination regarding the withholding of contract funds will not result in the distribution of these funds to the underpaid workers until such time as the administrative remedies available to your firm have been completed. **Those procedures will be initiated by the Department and may be found in Department of Labor Regulations, 29 CFR Part 6, Subpart B (SCA).** [Emphasis added].

The regulations governing the Administrative Review Board’s authority to hear appeals under the SCA, to which 29 C.F.R. part 6, subpart B applies, provide in pertinent part, “The Board has jurisdiction to hear and decide in its discretion appeals concerning questions of law and fact from

¹ The 29 C.F.R. Part 4 regulations govern federal government contracts subject to the Service Contract Act, 41 U.S.C.A. § 6701 et seq. (Thomson Reuters 2012)(SCA).

final decisions . . . of Administrative Law Judges under subparts B, . . . of part 6 of this title, arising under the Service Contract Act”² But here, no Department of Labor ALJ has issued a final decision for the Board to review, presumably because the Department of Labor has not yet completed the Part 6 procedures that can give rise to an administrative hearing before an ALJ.³ Accordingly, the Board ordered VNT to show cause no later than June 1, 2017, why the Board should not dismiss VNT’s petition for review because it lacks authority to consider its appeal in the absence of a final ALJ decision. The Board cautioned, “If VNT fails to file a timely response to this order, the Board may dismiss the petition for review without further notice.”

VNT has failed to respond to the Board’s Show Cause Order. Accordingly, as stated in the Board’s order provides, this action is **DISMISSED**.

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**

² 29 C.F.R. § 8.1(b) (2016).

³ See generally *Secretary of Labor v. Glaude*, ARB No. 98-081, ALJ No. 1995-SCA-038 (ARB Nov. 24, 1999).