

U.S. Department of Labor

Administrative Review Board
200 Constitution Ave. NW
Washington, DC 20210-0001



IN THE MATTER OF:

**MANAGEMENT & TRAINING
CORPORATION,**

ARB CASE NO. 2025-0004

DATE: November 13, 2024

PETITIONER,

v.

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

RESPONDENT.

Appearances:

For the Petitioner:

Steven W. Suflas, Esq; *Holland & Hart*; Salt Lake City, Utah

For the Administrator, Wage and Hour Division:

**Seema Nanda, Esq.; Jennifer S. Brand, Esq.; Jonathan T. Rees, Esq.;
and Steven W. Gardiner, Esq.; *U.S. Department of Labor, Office of the
Solicitor*; Washington, District of Columbia**

Before THOMPSON and ROLFE, Administrative Appeals Judges

ORDER DISMISSING PETITION FOR REVIEW WITHOUT PREJUDICE

PER CURIAM:

This case arises under the McNamara-O'Hara Service Contract Act of 1965, as amended (SCA), and its implementing regulations.¹ On October 8, 2024, Petitioner Management & Training Corporation filed a Petition for Review with the

¹ 41 U.S.C. §§ 6701-6707; 29 C.F.R. Parts 4, 6, and 8 (2024).

Administrative Review Board (Board) of a decision made by Miriam Marte, the Branch Chief for the Branch of Service Contract Wage Determinations in the U.S. Department of Labor’s Wage and Hour Division, issued on September 18, 2024. The Board accepted the matter for review on October 24, 2024.

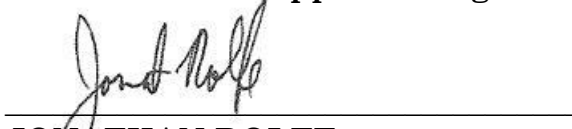
On November 7, 2024, Petitioner and Respondent, the Administrator of the U.S. Department of Labor’s Wage and Hour Division (Administrator), filed a Joint Motion to Dismiss (Motion) requesting that the Board dismiss the appeal without prejudice. In the Motion, the parties assert that the Board does not have jurisdiction to hear this appeal at this time under 29 C.F.R. § 8.1(b), which provides that “[t]he Board has jurisdiction to hear and decide in its discretion appeals concerning questions of law and fact from **final decisions** of the Administrator of the Wage and Hour Division or authorized representative . . . arising under the Service Contract Act.”² The Administrator represents that the Branch Chief’s September 18, 2024 decision was not a “final decision” of the Administrator. The parties also assert that, if the Board dismisses this appeal, Petitioner will have an opportunity to seek a final decision from the Administrator and, if desired, appeal that decision to the Board.

Without a final decision from the Administrator as provided in 29 C.F.R. § 8.1(b), the Board lacks jurisdiction to render a decision in this matter.³ Accordingly, we **DISMISS** the Petition for Review without prejudice.

SO ORDERED.



ANGELA W. THOMPSON
Administrative Appeals Judge



JONATHAN ROLFE
Administrative Appeals Judge

² 29 C.F.R. § 8.1(b) (emphasis added).

³ See *Adm’r, Wage & Hour Div., U.S. Dep’t of Lab. v. KBR Servs, LLC*, ARB No. 2023-0021 (ARB Mar. 27, 2023) (dismissing petition for review without prejudice because Administrator had not issued a final decision); *Adm’r, Wage & Hour Div., U.S. Dep’t of Lab. v. Kesco, Inc.*, ARB No. 2022-0031 (ARB July 13, 2022) (same).

CERTIFICATE OF SERVICE

ARB-2025-0004 Management & Training v. Management & Training (Case No:)

I certify that the parties below were served this day.

11/13/2024

(DATE)



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