In the Matter of:

J. N. MOSER TRUCKING, INC.,	**ARB CASE NO. 04-064**
d/b/a MOSER ENTERPRISES,	
DONALD H. SCHLEINING, and	**ALJ CASE NO. 95-SCA-26**
KIRSTY S. SCHLEINING,	
Individually and Jointly,	**DATE: May 14, 2004**

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

REMAND ORDER

On May 30, 2003, the Administrative Review Board issued a Final Decision and Order (F. D. & O.) in this case arising under the McNamara-O'Hara Service Contract Act (SCA), as amended, 41 U.S.C.A. § 351 *et seq*. (West 1987).[1] J. N. Moser Trucking appealed the Board's decision to the United States District Court for the Northern District of Illinois, Eastern Division. *J. N. Moser Trucking, Inc. v. United States Dep't of Labor*, 306 F. Supp. 2d 774 (2004)(copy attached). The District Court vacated the Board's F. D. & O. and remanded the case "to the Department" to "proceed … in accordance with this opinion." *Id.* at 787.

Pursuant to the regulations interpreting the SCA, 29 C.F.R. Parts 4 and 6 (2003), a Department of Labor Administrative Law Judge entered the Department of Labor's initial administrative decision in this case. As the District Court has vacated the Department's final decision, we remand this case to the Administrative Law Judge to enter an order "in accordance with [the District Court's] opinion."[2]

SO ORDERED.

OLIVER M. TRANSUE
Administrative Appeals Judge

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge

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[1]   The Secretary of Labor has delegated her authority to issue final decisions in review or on appeal of cases arising under the SCA to the Board. Secretary's Order 1-2002, 67 Fed. Reg. 64272 (Oct. 17, 2002).

[2]   If neither party files a petition for review of the decision with the Board within 40 days after the date of the decision, the Administrative Law Judge's decision will become the final decision of the Secretary. *See* 29 C.F.R. § 6.19(b).