

Administrative Law Judge and desires review of the decision shall file a petition for review by the Administrative Review Board pursuant to 29 CFR part 8. The petition shall refer to the specific findings of fact, conclusions of law, or order excepted to and the specific pages of transcript relevant to the petition for review.

PART 7—PRACTICE BEFORE THE ADMINISTRATIVE REVIEW BOARD WITH REGARD TO FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION CONTRACTS

Subpart A—Purpose and Scope

Sec.

7.1 Purpose and scope.

Subpart B—Review of Wage Determinations

- 7.2 Who may file petitions for review.
- 7.3 Where to file.
- 7.4 When to file.
- 7.5 Contents of petitions.
- 7.6 Filing of wage determination record.
- 7.7 Presentations of other interested persons.
- 7.8 Disposition by the Administrative Review Board.

Subpart C—Review of Other Proceedings and Related Matters

- 7.9 Review of decisions in other proceedings.

Subpart D—Some General Procedural Matters

- 7.11 Right to counsel.
- 7.12 Intervention; other participation.
- 7.13 Consolidations.
- 7.14 Oral proceedings.
- 7.15 Public information.
- 7.16 Filing and service.
- 7.17 Variations in procedures.
- 7.18 Motions; extensions of time.

AUTHORITY: Reorg. Plan No. 14 of 1950, 64 Stat. 1267; 5 U.S.C. 301, 3 CFR, 1949-1953 Comp., p. 1007; sec. 2, 48 Stat. 948 as amended; 40 U.S.C. 276c; secs. 104, 105, 76 Stat. 358, 359; 40 U.S.C. 330, 331; 65 Stat. 290; 36 FR 306, 8755.

SOURCE: 36 FR 10863, June 4, 1971, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 7 appear at 61 FR 19985, May 3, 1996.

Subpart A—Purpose and Scope

§ 7.1 Purpose and scope.

(a) This part contains the rules of practice of the Administrative Review Board when it is exercising its jurisdiction described in paragraph (b) of this section.

(b) The Board has jurisdiction to hear and decide in its discretion appeals concerning questions of law and fact from final decisions under parts 1, 3, and 5 of this subtitle including decisions as to the following: (1) Wage determinations issued under the Davis-Bacon Act and its related minimum wage statutes; (2) debarment cases arising under part 5 of this subtitle; (3) controversies concerning the payment of prevailing wage rates or proper classifications which involve significant sums of money, large groups of employees, or novel or unusual situations; and (4) recommendations of a Federal agency for appropriate adjustment of liquidated damages which are assessed under the Contract Work Hours and Safety Standards Act.

(c) In exercising its discretion to hear and decide appeals, the Board shall consider, among other things, timeliness, the nature of the relief sought, matters of undue hardship or injustice, or the public interest.

(d) In considering the matters within the scope of its jurisdiction the Board shall act as the authorized representative of the Secretary of Labor. The Board shall act as fully and finally as might the Secretary of Labor concerning such matters.

(e) The Board is an essentially appellate agency. It will not hear matters de novo except upon a showing of extraordinary circumstances. It may remand under appropriate instructions any case for the taking of additional evidence and the making of new or modified findings by reason of the additional evidence.

[36 FR 10863, June 4, 1971, as amended at 61 FR 19985, May 3, 1996]