

**U.S. Department of Labor**

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



**IN THE MATTER OF:**

**AHNTECH, INC.,**

**ARB CASE NO. 2025-0067**

**COMPLAINANT,**

**DATE: August 14, 2025**

**v.**

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

**RESPONDENT.**

**Appearances:**

***For the Complainant:***

**Ryan Osborne; *Pro Se*; Los Altos, California**

***For the Respondent:***

**Jonathan Snare, Esq., Jennifer S. Brand, Esq., Sarah K. Marcus, Esq.,  
Jonathan T. Rees, Esq., and Katelyn Poe, Esq.; *U.S. Department of  
Labor, Office of the Solicitor*; Washington, District of Columbia**

**Before JOHNSON, Chief Administrative Appeals Judge, and BURRELL,  
and KIKO, Administrative Appeals Judges**

**ORDER DISMISSING PETITION FOR REVIEW WITHOUT PREJUDICE**

This case arises under the McNamara-O'Hara Service Contract Act of 1965 (SCA), as amended, and its implementing regulations.<sup>1</sup> On June 17, 2025, Complainant Ahntech, Inc. filed a Petition for Review with the Administrative Review Board (ARB or Board).

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<sup>1</sup> 41 U.S.C. §§ 6701-6707; 29 C.F.R. Parts 4 and 8 (2025).

In the Petition for Review, Ahntech requested a price adjustment due to a Collective Bargaining Agreement (CBA) wage increase for Contract No. 47PJ0021D0001 (the Contract).<sup>2</sup> According to Ahntech, it is an incumbent service contractor under a multi-year fixed-price contract administered by the General Service Administration (GSA) and subject to the SCA.<sup>3</sup> Ahntech sought a price adjustment from the GSA for Option Year 2025 of the Contract, but GSA denied the price adjustment because it did not receive notice of the terms of the revised CBA until after it exercised Option Year 2025.<sup>4</sup> After the denial, Ahntech “submitted a formal request to the Wage and Hour Division (WHD) seeking a determination on whether the revised CBA applies to [the] contract and whether a retroactive contract adjustment is warranted.”<sup>5</sup> Ahntech alleged that it “sent multiple follow-up emails” to WHD, but WHD did not respond to the request.<sup>6</sup> Thus, Ahntech elected to file a Petition for Review with the Board “for a definitive ruling on this matter.”<sup>7</sup>

In response to the Petition for Review, the Board issued an Order to Show Cause directing Ahntech to explain why the Board should not dismiss the appeal for lack of jurisdiction.<sup>8</sup>

On July 10, 2025, Ahntech filed a Response to Order to Show Cause. The Administrator filed a Reply to Ahntech’s Response to Order to Show Cause on July 29, 2025.

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<sup>2</sup> Petition for Review at 1.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 6.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Order to Show Cause at 2. The Board advised that its jurisdiction over the SCA is limited as the SCA regulations provide:

The 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, and from decisions of Administrative Law Judges under subparts B, D, and E of part 6 of this title, arising under the Service Contract Act and the Contract Work Hours and Safety Standards Act where the contract is also subject to the Service Contract Act.

On August 4, 2025, Ahntech filed a Motion to Withdraw Petition for Review Without Prejudice. Ahntech concedes that it has not received a final decision or ruling from WHD, and therefore, moves to withdraw its petition as the matter is not yet ripe for the Board's review.<sup>9</sup>

The Board **GRANTS** Ahntech's Motion and **DISMISSES** the Petition for Review without prejudice.<sup>10</sup>

**SO ORDERED.**

**RANDEL K. JOHNSON**  
**Chief Administrative Appeals Judge**

**THOMAS H. BURRELL**  
**Administrative Appeals Judge**

**PHILIP G. KIKO**  
**Administrative Appeals Judge**

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<sup>9</sup> Motion to Withdraw Petition for Review Without Prejudice at 1.

<sup>10</sup> Ahntech intends "to obtain a final decision from the WHD through the prescribed administrative process." *Id.* at 1-2. The Board notes that per the SCA regulations, "[t]he Administrator will render a decision within 30 days of receipt of the request . . . ." 29 C.F.R. § 4.56(a)(2).