



United States  
General Accounting Office  
Washington, D.C. 20548

Graham

130882

Office of the General Counsel

B-218868

September 2, 1986

Stanley R. Weilgus, Esquire  
Schwartz and Weilgus, Law Offices  
123-B Columbia Turnpike  
Florham Park, New Jersey 07932

Dear Mr. Weilgus:

This responds to your letter on behalf of your client, , President of B. M. Tracy Contractors, Inc. (Tracy), dated February 27, 1986, in which you requested that we remand to the United States Department of Labor (DOL) the matter of wage underpayments to employees under contract GS-02B-17,272, which was subject to the Davis-Bacon Act, 40 U.S.C. §§ 276a to 276a-5 (1982). That is requested, "if this matter is not dismissed outright with all monies withheld being forwarded immediately to ." We find no justification for the return of the withheld funds to Tracy at this time. However, for the reasons stated in the enclosed letter of today's date to Mr. Sylvester L. Green of DOL, we are remanding this matter to DOL. Pending DOL's consideration of the issues, we will not disburse the funds to the wage claimants.

Sincerely yours,

Henry R. Wray  
Associate General Counsel

Enclosure

cc: Myron Siegel, President  
B. M. Tracy Contractors, Inc.  
974 East 18th Street  
Brooklyn, New York 11230

Sylvester L. Green, Director  
Contract Standards Operations  
U.S. Department of Labor  
Room S3518  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210