

STATE OF MONTANA  
DEPARTMENT OF LABOR AND INDUSTRY  
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE WAGE CLAIM ) Case No. 629-2026  
OF NATHAN JAGLA, )  
 )  
 ) Claimant, )  
 ) **FINAL AGENCY DECISION**  
 )  
 ) vs. )  
 )  
 ) JONES & COMPANY, LLC d/b/a )  
 )  
 ) PONDDOCTOR, )  
 )  
 ) Respondent.

\* \* \* \* \*

**I. PROCEDURAL BACKGROUND**

On September 3, 2024, Claimant Nathan Jagla (Jagla) filed a wage claim with the Montana Department of Labor and Industry, Employment Relations Division, alleging Respondent Jones & Company, LLC d/b/a PondDoctor (PondDoctor) owed him \$2,000.00 in wages for work performed between June 29, 2024, to July 26, 2024.

On May 16, 2025, the Wage and Hour Unit issued its determination after investigation into Jagla’s wage claim. It determined that PondDoctor owed Jagla \$2,000.00 in wages, with a 15 percent penalty of \$300.00 due. The Wage and Hour Unit also determined that PondDoctor owed Jagla \$151.00 in overtime wages, with a 55 percent penalty of \$83.05 due. In total, the Wage and Hour Unit determined that PondDoctor owed Jagla a total of \$2,534.05.

The Wage and Hour Unit’s determination also indicated that if PondDoctor did not appeal or request a redetermination by June 2, 2025, then PondDoctor owed Jagla \$2,000.00 in wages, with a 55 percent penalty of \$1,100.00 due, as well as \$151.00 in overtime wages, with a 110 percent penalty of \$166.10 due for a total of \$3,417.10.

On June 2, 2025, PondDoctor indicated its desire to appeal the Wage and Hour Unit’s determination. PondDoctor did not pay the amount owing on June 2, 2025. Mandatory mediation occurred thereafter. The mediator indicated on November 13, 2025, that mediation was unsuccessful.

On November 23, 2025, PondDoctor appealed the determination. The matter was transferred to the Office of Administrative Hearings (OAH) on December 12, 2025.

On December 17, 2025, a Notice of Hearing and Scheduling Conference was sent to the parties. That notice indicated a scheduling conference would occur in this matter on December 31, 2025, at 10:00 a.m., Mountain Time, via Zoom conference. The parties were placed on notice that each party has the right to be represented by an attorney. The parties were also placed on notice that individuals were not required to be represented by an attorney; however, corporations, partnerships, limited liability companies, and similar entities were required to be represented by an attorney pursuant to Admin. R. Mont. 1.3.231(2).

On December 31, 2025, Jagla and Kyle Jones (Jones), president of PondDoctor, appeared for a scheduling conference in this matter. The Hearing Officer indicated that PondDoctor must have counsel appear on PondDoctor's behalf. The Hearing Officer set a deadline of January 30, 2026, for PondDoctor to have counsel file a notice of appearance on PondDoctor's behalf.

On January 7, 2026, the Hearing Officer issued a Scheduling Order, listing agreed-upon dates and deadlines for expert disclosure, discovery completion, motions, final exchange, final pre-hearing conference, and contested case hearing in this matter. The Hearing Officer also reiterated that PondDoctor must have its attorney file a notice of appearance by January 30, 2026.

Counsel for PondDoctor did not file a notice of appearance by the deadline of January 30, 2026.

On February 5, 2026, the Hearing Officer issued a Notice of Intent to Dismiss. In the notice, the Hearing Officer explained that PondDoctor was the appellant in this matter and that it must be represented by an attorney licensed to practice in Montana. The Hearing Officer gave PondDoctor notice that if it failed to have an attorney file a notice of appearance on PondDoctor's behalf on or before February 18, 2026, sanctions against PondDoctor may result, including entry of default against PondDoctor and dismissal of the appeal. The Hearing Officer also noted that entry of default against PondDoctor resulted in the Wage and Hour Unit determination remaining in place and enforceable. The notice indicated that the total amount owing was \$3,417.10, as provided by statute and rule.

Counsel on behalf of PondDoctor did not file a notice of appearance on or before February 18, 2026.

## **II. ISSUE**

Whether PondDoctor is in default and therefore owes wages to Jagla for work performed and owes penalties as provided by law.

## **III. FINDINGS OF FACT**

1. PondDoctor received notice regarding the requirement it be represented by an attorney licensed to practice in Montana through the December 17, 2025 Notice of Hearing and Scheduling Conference and the February 5, 2026 Notice of Intent to Dismiss.

2. PondDoctor failed to comply with the February 18, 2026 deadline set out in the notice of intent to dismiss by failing to have an attorney on its behalf file a notice of appearance.

3. PondDoctor failed to abide by the orders of this tribunal.

4. Due to this failure, PondDoctor failed to show Jagla was not owed monies for unpaid wages.

## **IV. DISCUSSION**

This is a contested case proceeding subject to the Montana Administrative Procedures Act (MAPA) pursuant to Mont. Code Ann. § 2-4-601 et. seq and § 39-3-216. MAPA specifically provides that informal disposition may be made of any contested case by, among other things, a default unless such disposition is precluded by law. Mont. Code Ann. § 2-4-603(1)(a). Nothing in Title 2 or Title 39 prohibits imposition of a default where a party fails to comport with any facet of a scheduling order or fails to respond to a tribunal's direct order. The Department has adopted the Attorney General's model rules, which provide in pertinent part, "In a contested case, if a party does not appear to contest an intended agency action, the agency may enter a default order. If a default is entered, pursuant to 2-4-623, MCA, the order must be in writing and include findings of fact and conclusions of law." Admin. R. Mont. 1.3.214 and 24.2.101(1).

PondDoctor is the appellant in this matter. PondDoctor received proper notice with the Notice of Hearing and Scheduling Conference and the February 5, 2026 Notice of Intent to Dismiss that it must be represented by an attorney licensed to practice in Montana. The notice of intent to dismiss set forth a February 18, 2026 deadline for PondDoctor to have an attorney file a notice of appearance on its behalf. The notice of intent to dismiss also gave PondDoctor notice of the intent to dismiss PondDoctor's appeal and affirm the Wage and Hour Unit determination, including penalties in this matter for a total amount owing of \$3,417.10.

Further, the notice indicated that pursuant to Mont. Code Ann. § 39-3-206 and Admin. R. Mont. 24.16.7561, the higher amount of \$3,417.10 was owing because the statute and rule only permitted the lower amount owing upon agreement of the parties. That PondDoctor appealed did not relieve PondDoctor from the full amount owing because wages and penalties were not paid during that time. See Mont. Code Ann. § 39-3-206(2) (“Nothing in this section may be construed to relieve an employer from the requirement to pay an employee the full amount of wages due if the employer is found in violation of this part.”). Administrative Rule of Montana 24.16.7561 reads:

(1) For determinations involving minimum wage and overtime that are filed on or after October 1, 1993, penalties are calculated as follows:

(a) a penalty equal to 110% of the wages determined to be due to the employee will be imposed in all determinations issued by the department; but

(b) if none of the special circumstances of ARM 24.16.7556 apply *the department will reduce the penalty to 55% of the wages determined to be due provided the employer pays the wages found due in the time period specified in the determination as well as a penalty equal to 55% of that amount.*

(2) *The penalty calculated according to this rule may be reduced only upon the mutual agreement of the parties and the department.*

(3) Claims for minimum wage and overtime filed against employers covered by provisions of the Fair Labor Standards Act will be subject to the penalty provisions of that Act. (Emphasis added.)

Despite being on notice of its obligation with the notice of intent to dismiss, PondDoctor failed to have an attorney file a notice of appearance on its behalf on or before February 18, 2026. As a result, the Hearing Officer determines that PondDoctor is in default and the appeal is hereby dismissed.

## **V. CONCLUSIONS OF LAW**

1. The State of Montana and the Commissioner of the Department of Labor and Industry have jurisdiction over this complaint under Mont. Code Ann. § 39-3-201 et seq. *State v. Holman Aviation Co.*, 176 Mont. 31, 575 P.2d 923 (1978).

2. The Office of Administrative Hearings properly served notices to the parties.

3. PondDoctor has failed to follow the orders of this tribunal. PondDoctor is in default. Mont. Code Ann. § 2-4-603(1)(a).

**VI. ORDER**

Based on the foregoing, PondDoctor is determined to be in default. Therefore, PondDoctor’s appeal is dismissed with prejudice. The Wage and Hour Unit’s determination finding Jagla is owed \$2,000.00 in unpaid wages, \$151.00 in overtime wages, and a total penalty in the amount of \$1,266.10, for a total of \$3,417.10 is affirmed.

DATED this 23rd day of February, 2026.

DEPARTMENT OF LABOR & INDUSTRY  
OFFICE OF ADMINISTRATIVE HEARINGS

By: /s/ JOSLYN HUNT  
JOSLYN HUNT  
Hearing Officer

NOTICE: You are entitled to judicial review of this final agency decision in accordance with Mont. Code Ann. § 39-3-216(4), by filing a petition for judicial review in an appropriate district court within 30 days of the date of mailing of the hearing officer’s decision. See also Mont. Code Ann. § 2-4-702. Please send a copy of your filing with the district court to:

Department of Labor & Industry  
Wage & Hour Unit  
P.O. Box 201503  
Helena, MT 59620-1503

If there is no appeal filed and no payment is made pursuant to this Order, the Commissioner of the Department of Labor and Industry will apply to the District Court for a judgment to enforce this Order pursuant to Mont. Code Ann. § 39-3-212. Such an application is not a review of the validity of this Order.