

STATE OF MONTANA  
DEPARTMENT OF LABOR AND INDUSTRY  
HEARINGS BUREAU

IN THE MATTER OF THE WAGE CLAIM )	Case No. 213-2006
OF DALE W. HOUSEMAN, )	
)	
Claimant, )	
)	<b>FINDINGS OF FACT;</b>
vs. )	<b>CONCLUSIONS OF LAW;</b>
)	<b>AND ORDER</b>
ALL SYSTEMS ROOFING INC., A Montana )	
Corporation, )	
)	
Respondent. )	

\* \* \* \* \*

**I. FINDINGS OF FACT**

This matter proceeded to hearing on December 7, 2005. Dale Houseman represented himself. Pat Maher represented All Systems Roofing. Immediately prior to the hearing, the parties entered into a settlement agreement whereby All Systems agreed to pay Houseman \$310.00 no later than 3:00 p.m. on Friday, December 9, 2005. Maher further agreed that his failure to pay the amount on or before 3:00 p.m. on Friday, December 9, 2005 would result in the imposition of an administrative penalty in the amount of 55% in addition to the \$310.00 due to Houseman.

**II. CONCLUSIONS OF LAW**

1. The State of Montana and the Commissioner of the Department of Labor and Industry have jurisdiction over this complaint. Mont. Code Ann. § 39-3-201 et seq. *State v. Holman Aviation* (1978), 176 Mont. 31, 575 P.2d 925.

2. In light of the allegations contained in the complaint and the parties' settlement entered into at the time of the hearing, it is appropriate to order that All Systems Roofing be ordered to pay \$310.00 to Dale W. Houseman in settlement of this claim.

3. In the event that All Systems fails to pay the \$310.00 amount by Friday, December 9, 2005 in accordance with this order, then it is appropriate to order All Systems Roofing to pay an additional 55% penalty, pursuant Mont. Code Ann. § 39-3-206, totaling \$170.50, to Houseman.

### III. ORDER

All Systems Roofing is hereby ORDERED to tender a cashier's check or money order in the amount of \$310.00 made payable to Dale W. Houseman, and mailed to the Employment Relations Division, P.O. Box 6518, Helena, Montana 59624-6518 no later than December 9, 2005. The envelope containing the payment must bear a United States Mail post mark of that date. In the event that All Systems Roofing fails to pay that amount within that time frame, then it shall tender a cashier's check or money order in the amount of \$480.50, representing \$310.00 in wages owed and \$170.50 in penalty, made payable to Dale W. Houseman, and mailed to the Employment Relations Division, P.O. Box 6518, Helena, Montana 59624-6518 no later than 30 days after service of this decision.

DATED this 9th day of December, 2005.

DEPARTMENT OF LABOR AND INDUSTRY

By: GREGORY L. HANCHETT  
Gregory L. Hanchett, Hearing Officer  
Hearings Bureau

