

The requests deemed admitted establish that Doyle is owed no wages (Req. for Admission No. 10), that he did not work the overtime hours he claimed and that he has no proof that he did (Req. for Admission Nos. 7 and 8). There are no genuine issue of material fact, given the facts deemed admitted. The Hearing Officer grants Total Rental's motion and dismisses Doyle's complaint, for which he is entitled to no recovery. This is a final agency decision subject to judicial review.

DATED this 9th day of September, 2009.

DEPARTMENT OF LABOR AND INDUSTRY

By: /s/ TERRY SPEAR
Terry Spear, Hearing Officer
Hearings Bureau

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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 service of the decision. *See also*, Mont. Code Ann. § 2-4-702.