

STATE OF MONTANA  
DEPARTMENT OF LABOR AND INDUSTRY  
HEARINGS BUREAU

IN THE MATTER OF THE WAGE CLAIM ) Case No. 223-2010  
OF LUCIEN S. BONCK, )

Claimant, )

vs. )

INTERNATIONAL HOUSE OF )  
PANCAKES, INC., a Delaware Corporation )  
d/b/a IHOP 3046 Helena, )

Respondent. )

**FINDINGS OF FACT;  
CONCLUSIONS OF LAW;  
AND ORDER**

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**I. INTRODUCTION AND FINDINGS OF FACT**

This appeal was scheduled for hearing on January 29, 2010, having previously been reset due to the claimant's failure to make arrangements for access to a telephone to participate in the hearing. At the time of the hearing on January 29, 2010, the hearing officer contacted the claimant at his place of incarceration, the Yellowstone County Detention Center. When informed that the hearing officer was calling to conduct the hearing, the claimant, who was attending a class, indicated that "it didn't matter" and declined to participate in the hearing. The respondent's representative was available by telephone and ready to proceed.

**II. CONCLUSIONS OF LAW**

By failing to participate in the hearing and present evidence, the claimant has failed to carry his burden of proof to show that he is due additional wages. His claim therefore fails and his case must be dismissed.

### III. ORDER

The redetermination and dismissal issued by the Wage and Hour Unit is affirmed. The claimant has failed to prove he is due additional wages and his claim is therefore dismissed.

DATED this 1st day of February, 2010.

DEPARTMENT OF LABOR & INDUSTRY  
HEARINGS BUREAU

By: /s/ GREGORY L. HANCHETT  
GREGORY L. HANCHETT  
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 service of the decision. See also Mont. Code Ann. § 2-4-702.