

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

IN THE MATTER OF THE WAGE CLAIM)	Case No. 112-2026
OF DYLLAN DOTSON,)	
)	
Claimant,)	
)	FINAL AGENCY DECISION
vs.)	
)	
JONES & COMPANY, LLC d/b/a)	
PONDDOCTOR,)	
)	
Respondent.		

* * * * *

I. PROCEDURAL BACKGROUND

On September 20, 2024, Claimant Dyllan Dotson (Dotson) 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 \$1,798.50 in wages for work performed between August 12, 2024, through September 6, 2024.

On May 16, 2025, the Wage and Hour Unit issued its determination after investigation into Dotson's wage claim. It determined that PondDoctor owed Dotson \$795.68 in wages, with a 15 percent penalty of \$116.35 due. The Wage and Hour Unit also determined that PondDoctor owed Dotson \$131.33 in overtime wages, with a 55 percent penalty of \$72.23 due. In total, the Wage and Hour Unit determined that PondDoctor owed Dotson a total of \$1,115.59.

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 Dotson \$795.68 in wages, with a 55 percent penalty of \$437.62 due, as well as \$131.33 in overtime wages, with a 110 percent penalty of \$144.46 due for a total of \$1,509.09.

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 July 16, 2025, that mediation was unsuccessful.

On July 28, 2025, PondDoctor appealed the determination. The matter was transferred to the Office of Administrative Hearings (OAH) on July 30, 2025.

On August 1, 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 August 13, 2025, at 9:00 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 August 7, 2025, the Hearing Officer issued an Order Resetting Scheduling Conference, pursuant to Dotson's request. The scheduling conference was rescheduled to August 20, 2025, at 1:00 p.m., Mountain Time, via Zoom conference.

On August 20, 2025, Dotson 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. Scheduling in this matter did not occur, because Jones requested time to have his counsel file a notice of appearance on PondDoctor's behalf so that counsel may then advise the Hearing Officer of available dates. The Hearing Officer set a deadline of September 5, 2025, for PondDoctor to have counsel file a notice of appearance on PondDoctor's behalf. The Hearing Officer also set a scheduling conference in this matter to occur on September 12, 2025, at 2:00 p.m., Mountain Time, via Zoom conference.

On September 5, 2025, Jones indicated in an email to OAH that he was filing a motion to extend the deadline for counsel to file a notice of appearance on PondDoctor's behalf. No formal motion was filed.

On September 5, 2025, OAH indicated to the parties the amount owing as determined by the Wage and Hour Unit was \$1,509.09, pursuant to Jones' question. Jones indicated that \$693.80 had already been sent to Dotson.

Dotson indicated in a response email on September 5, 2025, that he received the \$693.80, but that \$1,104.70 was still owing to total Dotson's original \$1,798.50 request.

On September 12, 2025, Dotson and Jones appeared for a scheduling conference in this matter. The Hearing Officer indicated that PondDoctor must have counsel appear on PondDoctor's behalf. At the scheduling conference, Jones requested an extension for PondDoctor's counsel to file a notice of appearance on PondDoctor's behalf. Jones indicated that he was consulting with potential counsel but that counsel was busy. Dotson objected to the request, arguing that further delays should not exist in this matter. The Hearing Officer granted Jones' request for an extension, indicating that an additional two weeks shall be sufficient for counsel to file a notice of

appearance while also not causing undue delay in this matter. The Hearing Officer set a new deadline of September 26, 2025, for PondDoctor to have counsel file a notice of appearance on PondDoctor's behalf.

Counsel for PondDoctor did not file a notice of appearance by the deadline of September 26, 2025.

On September 26, 2025, Jones emailed Dotson and OAH indicating PondDoctor's desire to settle this matter by sending \$421.79 owing to total \$1,115.59, the amount due without the higher penalties.

On September 28, 2025, in response to Jones' September 26, 2025 email for settlement, Dotson emailed Jones and OAH, indicating that pursuant to OAH's email, the total amount owed is \$1,509.09. Dotson requested confirmation of the total amount owing.

On September 30, 2025, Jones emailed OAH, indicating that PondDoctor was in the process of providing a settlement document to Dotson but needed confirmation on the amount owing, since two amounts were listed in the Wage and Hour Unit's determination. Jones further indicated that PondDoctor's appeal was timely.

On October 3, 2025, Jones indicated in an email to Dotson and OAH that he was providing a document for signature to settle the matter, along with payment totaling \$1,115.59, since PondDoctor's appeal was timely.

On October 7, 2025, pursuant to OAH's request for a status update in this matter, Dotson indicated that he needed confirmation on the amount still owing and that he never intended to settle this matter.

On October 9, 2025, OAH provided the same amount to the parties OAH had previously provided on September 5, 2025, regarding the amount the Wage and Hour Unit determined, which was \$1,509.09.

On October 21, 2025, 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 October 27, 2025, 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 \$1,509.09, as provided by statute and rule.

Counsel on behalf of PondDoctor did not file a notice of appearance on or before October 27, 2025.

II. ISSUE

Whether PondDoctor is in default and therefore owes wages to Dotson 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 attorney licensed to practice in Montana through the August 1, 2025 Notice of Hearing and Scheduling Conference, the August 27, 2025 Order Setting Deadline for Respondent's Counsel to File Notice of Appearance and Setting Scheduling Conference Date, the September 15, 2025 Order Setting New Deadline for Respondent's Counsel to File Notice of Appearance, and the October 21, 2025 Notice of Intent to Dismiss.

2. PondDoctor failed to comply with the October 27, 2025, 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 Dotson 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 August 1, 2025 Notice of Hearing and Scheduling Conference, the August 27, 2025 Order Setting Deadline for Respondent's Counsel to File Notice of Appearance and Setting Scheduling Conference Date, the September 15, 2025 Order Setting New Deadline for Respondent's Counsel to File Notice of Appearance, and the October 21, 2025 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 an October 27, 2025 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 \$1,509.09.

Further, the notice indicated that pursuant to Mont. Code Ann. § 39-3-206 and Admin. R. Mont. 24.16.7561, the higher amount of \$1,509.09 was owing because the statute and rule only permitted the lower amount owing upon agreement of the parties. That PondDoctor appealed on June 2, 2025, 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 October 27, 2025. 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 Dotson is owed \$795.68 in unpaid wages, \$131.33 in overtime wages, and a total penalty in the amount of \$582.08, for a total of \$1,509.09 is affirmed.

DATED this 3rd day of November, 2025.

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.