

**NOT FOR FULL-TEXT PUBLICATION**

**File Name: 07a0707n.06**

**Filed: October 3, 2007**

**No. 06-3779**

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

<b>ELAINE L. CHAO, Secretary of Labor,</b>	)	
<b>United States Department of Labor,</b>	)	<b>ON APPEAL FROM THE UNITED</b>
	)	<b>STATES DISTRICT COURT FOR THE</b>
<b>Plaintiff-Appellee,</b>	)	<b>NORTHERN DISTRICT OF OHIO</b>
	)	
<b>v.</b>	)	
	)	
<b>FIRST NATIONAL LENDING</b>	)	
<b>CORPORATION, et al.</b>	)	
	)	
<b>Defendants-Appellants.</b>	)	
	)	

**Before: NORRIS, GIBBONS, and ROGERS, Circuit Judges.**

**PER CURIAM.** Defendants-appellants First National Lending Corporation and Lisa M. Scherzer (collectively, “FNL”) appeal the district court’s judgment in favor of plaintiff-appellee Elaine L. Chao, Secretary of Labor, United States Department of Labor. FNL contends that the district court erred in concluding that (1) FNL’s loan officers were “employees” under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §§ 201 *et seq.* (“FLSA”), (2) FNL’s loan officers were not exempt from the minimum wage provisions of the FLSA as “outside salesmen,” and (3) FNL failed to meet its burden of proof to refute the Secretary of Labor’s back wage computations.

Having reviewed the parties’ briefs and the applicable law and having had the benefit of oral argument, we conclude that a panel opinion further addressing the issues raised would serve no

jurisprudential purpose. Therefore, on the grounds identified by the district court, we affirm the district court's judgment in favor of the Secretary of Labor.