

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 16-17159
Non-Argument Calendar

D.C. Docket No. 1:14-cv-23388-KMM

ORLANDO ESTRADA, and all others similarly situated under 29 U.S.C. §
216(b),

Plaintiff-Appellant,

versus

FTS USA, LLC,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Florida

(May 30, 2017)

Before TJOFLAT, MARCUS, and WILSON, Circuit Judges.

PER CURIAM:

Orlando Estrada appeals the district court's grant of summary judgment to his former employer, FTS USA, on his unpaid overtime claim under the Fair Labor Standards Act (FLSA), 29 U.S.C. § 201 *et seq.* After careful consideration of the record and the parties' briefs, we find no reversible error.

An employee bringing an FLSA claim for unpaid overtime wages initially bears “the burden of proving that he performed work for which he was not properly compensated.” *Lamonica v. Safe Hurricane Shutters, Inc.*, 711 F.3d 1299, 1315 (11th Cir. 2013) (quoting *Anderson v. Mt. Clemens Pottery Co.*, 328 U.S. 680, 686–87, 66 S. Ct. 1187, 1192 (1946)). When an employer has failed to keep records or the records cannot be trusted, this burden of proving work without proper compensation is “relaxed.” *See id.* Under such circumstances, an employee satisfies his burden “if he proves that he has in fact performed work for which he was improperly compensated” and he “produces sufficient evidence to show the amount and extent of that work as a matter of just and reasonable inference.” *Id.* (quoting *Anderson*, 328 U.S. at 687–88, 66 S. Ct. at 1192).

Even taking the evidence in the light most favorable to Estrada and applying the relaxed burden for proving work performed without proper compensation, Estrada's claim fails as a matter of law. Estrada offers only vague and contradictory assertions regarding the work for which he was allegedly not paid, and those assertions cannot support “just and reasonable inference[s]” about the

nature or extent of that work. *See id.* Estrada has not created a genuine issue of material fact about whether he performed work for which he was not paid.

AFFIRMED.