

**STATE OF NEW HAMPSHIRE**  
**DEPARTMENT OF LABOR**  
**CONCORD, NEW HAMPSHIRE**

  
**V**

**Alexander O'Connor dba Will Do Service Transport**

**DECISION OF THE HEARING OFFICER**

**Nature of Dispute:** RSA 275:43 I unpaid wages  
RSA 275:48 I Illegal deductions

**Employer:** Alexander O'Connor DBA Will Do Service Transport  
1053 Valley St.  
Manchester, NH 03103

**Date of Hearing:** August 25, 2014

**Case No.:** 48410

**BACKGROUND AND STATEMENT OF THE ISSUES**

The claimant originally asserted, through the filing of his wage claim, that he was owed \$517.29 in unpaid wages that the employer had illegally deducted from his wages for damage to a truck.

He argues the employer was supposed to pay him \$500.00 for the a three day weekend, Friday, June 27, 2014 through Sunday, June 29, 2014. He worked only Friday, June 27, 2014. He was told there was no work on Saturday or Sunday.

At the hearing, the claimant amended his claim to \$500.00.

The employer denies the claimant is due any wages. He had agreed to pay the claimant \$100 per day. The claimant worked only one day, Friday, June 27, 2014. The claimant damaged his truck and he only charged him one half of the cost of the damage, or \$417.29, because he was "trying to help him out".

The employer applied the \$100.00 towards the cost of the damage to the truck, leaving a balance of \$317.29 due.

**FINDINGS OF FACT**

The claimant began working for the employer on Friday, June 27, 2014. He worked only that one day.

The parties disagree as to the rate of pay the claimant was to be paid.

RSA 275:49 I requires that an employer inform employees of the rate of pay at the time of hire. Lab 803.03 (a) requires that an employer inform employees in writing of

the rate of pay at the time of hire and prior to any changes. Lab 803.03 (f) (6) requires an employer maintain on file a signed copy of the notification.

The employer failed to notify the claimant in writing as to his rate of pay, and maintain on file a signed copy of the notification.

The claimant provided credible testimony that he was to be paid \$500 for the three day weekend of Friday, June 27, 2014 through Sunday, June 29, 2014.

Therefore, the Hearing Officer finds the claimant proved by a preponderance of the evidence he is due \$500 for work performed.

The employer attempted to deduct the wages he conceded were due from a bill for damage to a truck, caused by the claimant.

RSA 275:48 allows an employer to make certain deductions from a claimant's wages. Damage caused to the employer's property is not an allowable deduction.

### **DECISION AND ORDER**

Based on the testimony and evidence presented, as RSA 275:43 I requires that an employer pay all wages due an employee, and as this Department finds that the claimant proved by a preponderance of the evidence that he is owed the claimed wages, it is hereby ruled that the Wage Claim is valid in the amount of \$500.00.

The employer is hereby ordered to send a check to this Department, payable to [REDACTED], in the total of \$500.00, less any applicable taxes, within 20 days of the date of this Order.

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Melissa J. Delorey  
Hearing Officer

Date of Decision: September 8, 2014

Original: [REDACTED]  
cc: Alexander O'Connor DBA Will Do Service Transport

MJD/kl