

STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
CONCORD, NEW HAMPSHIRE


V

Apple Inc

DECISION OF THE HEARING OFFICER

Appearances: Gary Shapiro, Esq., representing Apple Inc., via telephone

Nature of Dispute: RSA 275:43 I unpaid wages
RSA 275:43 V unpaid holiday pay

Employer: new address: Gary Shapiro, Esq., 1 Infinite Loop, MS 169-5BE,
Cupertino, CA 95014

Date of Hearing: September 15, 2014

Case No.: 48523

BACKGROUND AND STATEMENT OF THE ISSUES

The claimant originally asserted, through the filing of his wage claim, that he was owed \$3,488. He amended his claim to \$912 for forty hours in unpaid wages and four hour in unpaid holiday pay. At the hearing, he amend the claim to forty hours of unpaid wages only, for his suspension with pay for the scheduled shifts of July 10, 11, 13, 14 and 15, 2014.

The employer suspended the claimant, with pay, mid shift on July 4, 2014. He contacted Apple on July 8, 2014. On July 9, 2014, Matt Duff, the store manager, called the claimant to advise he was terminated as of July 9, 2014. The employer advised they were overnighting a letter of termination to him. He did not receive that letter until July 24, 2014. Because he did not receive written notice of the termination until July 24, 2014, he feels he should be paid for the shifts of July 10, 11, 13, 14 and 15, 2014, as he was suspended with pay. He had a scheduled vacation for July 16 through the 24, 2014, for which he is not seeking pay.

The employer denies the claimant is due any further wages. The employer notified the claimant via telephone on July 9, 2014, of his termination. His suspension with pay ended on that date. The address to which the letter was sent was a bad address. The address was corrected and a new letter mailed to the claimant.

FINDINGS OF FACT

The employer suspended the claimant, with pay, mid shift on July 4, 2014. The claimant contacted Apple's HR Line on July 8, 2014. On July 9, 2014, Matt Duff, the

store manager, called the claimant to advise he was terminated as of July 9, 2014. The employer advised they were sending a letter of termination to him, via overnight delivery. He did not receive that letter until July 24, 2014.

The claimant's argument that he should be paid for the scheduled shifts between July 9 and July 24, 2014, because he did not receive written notice of his termination until July 24, 2014, is not persuasive. There are no statutory requirements that a termination is noticed in writing.

Both parties agree the employer notified the claimant, via telephone, on July 9, 2014. The claimant's employment ended on July 9, 2014, as did his suspension with pay. The claimant is not entitled to any further compensation under his suspension with pay.

Therefore, the Hearing Officer finds the claimant failed to prove by a preponderance of the evidence that he is due the claimed wages.

DECISION

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 failed to prove by a preponderance of the evidence that he is owed the claimed wages, it is hereby ruled that the Wage Claim is invalid.

Melissa J. Delorey
Hearing Officer

Date of Decision: September 29, 2104

Original: [REDACTED]
cc: Apple, Inc.

MJD/klt