

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



**V**

**Clean Fuels Associates**

**DECISION OF THE HEARING OFFICER**

**Nature of Dispute:** RSA 275:43 I unpaid wages and commissions

**Employer:** Clean Fuels Associates, 7364 Edgewood Rd, BLD A STE 100,  
Annapolis, MD 21403

**Date of Hearing:** October 13, 2014

**Case No.:** 48587

**BACKGROUND AND STATEMENT OF THE ISSUES**

The claimant originally asserted, through the filing of his wage claim, that he was owed approximately \$3,000 in unpaid commissions. He alleged the employer failed to pay his 6% commission on sales totaling almost \$48,000.

At the hearing, he amended his claim to approximately \$1,500 for a 3% commission on sales totaling almost \$48,000. The claimant submitted documentation, Plaintiff's Exhibit #1, for sales between May 5, 2014 and June 4, 2014, for which the commission is due.

The employer argues the claimant referenced commission payments for 2013 as being unpaid. All 2013 commission payments have been made. If the claimant believes 2014 commissions are due, he would be willing to look into those commissions, however, he does not have a copy of the documentation being submitted by the claimant.

The Department mailed a copy of the documentation to the employer on October 13, 2014.

The hearing was left open until 4:30pm on October 29, 2014, for the employer to respond to the documents submitted by the claimant at the hearing.

The employer responded, within the required timeframe, that they will pay \$1,383.63, based on the valid invoices generated by the claimant.

The Department contacted the claimant via telephone and he agreed with the \$1,383.63 figure provided by the employer.

### **FINDINGS OF FACT**

The employer agreed, through their written submission, that the claimant is due \$1,383.63. This amount is found to be due and owing to the claimant.

Therefore, the Hearing Officer finds the claimant proved by a preponderance of the evidence that he is due the claimed wages in the amount of \$1,383.63.

### **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 \$1,383.63.

The employer is hereby ordered to send a check to this Department, payable to [REDACTED], in the total of \$1,383.63, 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: November 4, 2014

MJD/slh