

STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
CONCORD, NEW HAMPSHIRE



V

Newman Communications Inc.

DECISION OF THE HEARING OFFICER

Nature of Dispute: RSA 275:43 I unpaid wages
RSA 275:43-b unpaid salary

Employer: Newman Communications Inc., 13 Annies Way, Kennebunk, ME
04043

Date of Hearing: March 19, 2015

Case No.: 46602

BACKGROUND AND STATEMENT OF THE ISSUES

The claimant originally asserted, through the filing of his wage claim on August 29, 2013, that he was owed \$5,379.78 in unpaid wages/salary for weeks worked between May 31, 2013 and August 9, 2013. He earned a salary of \$768.54 net weekly.

The claimant chose not to pursue the claim with this Department as he and the employer had entered into an agreement for the payment of the outstanding wages.

The claimant re-opened this case on October 14, 2014, as the employer did not make any payments pursuant to their agreement.

At the hearing, the claimant added his final week of work, August 16, 2013, for an additional \$768.54.

The employer agrees the claimant is due the \$5,379.78. He did not have the appropriate information to discuss the final week of salary.

He stated he has been unable to make any payments to the claimant due to IRS and Massachusetts Department of Revenue requirements. The IRS effectively closed this business, though this company has not filed bankruptcy. He is currently operating under Robert Newman dba Newman Communications. Further, he does not have any funds personally to make payments.

FINDINGS OF FACT

The claimant worked for the employer from November 1, 1999 through August 16, 2013. He received a net salary of \$768.54 per week.

The parties agree the claimant did not receive his salary for the pay days of:

- May 31, 2013
- July 5, 2013
- July 12, 2013
- July 19, 2013
- July 26, 2013
- August 2, 2013, and
- August 9, 2013

The claimant provided credible testimony that he did not receive his wages for the final week of work, August 16, 2013, for \$768.54.

Therefore, the Hearing Officer finds the claimant proved by a preponderance of the evidence he is due the claimed wages, in the amount of \$6,148.32.

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/salary, it is hereby ruled that the Wage Claim is valid in the amount of \$6,148.32.

The employer is hereby ordered to send a check to this Department, payable to [REDACTED], in the total of \$6,148.32, less any applicable taxes, within 20 days of the date of this Order.

Melissa J. Delorey
Hearing Officer

Date of Decision: March 24, 2015

MJD/kdc