

STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
CONCORD, NEW HAMPSHIRE



V

FIVE BELOW

DECISION OF THE HEARING OFFICER

Nature of Dispute: RSA 275:43 I unpaid wages

Employer: Five Below, 777 South Willow Street, Manchester, NH 03103

Date of Hearing: April 19, 2016

Case No.: 52369

BACKGROUND AND STATEMENT OF THE ISSUES

A Wage Claim was filed with the Department of Labor on February 24, 2016. The notice was sent to the employer and there was no written objection sent in. The Notice of Hearing was sent to both parties on March 28, 2016. The employer did show up for the hearing. The Wage Claim was filed for the amount of \$160.00.

At the start of the hearing, the employer testified that they did owe the claimant in the amount of \$150.00 and was willing to settle with the claimant with the amount of \$150.00. The claimant accepted this amount to settle this Wage Claim.

The employer had until April 22, 2016 to get the check to the claimant. The claimant was to inform the Department of Labor when the payment was received and the Wage Claim was to be closed.

FINDINGS OF FACT

RSA 275:43 I Every employer shall pay all wages due to employees within 8 days including Sunday after expiration of the week in which the work is performed, except when permitted to pay wages less frequently as authorized by the commissioner pursuant to paragraph II, on regular paydays designated in advance by the employer and at no cost to the employee.

This is the section of the law that mandates an employer to pay an employee all wages due at the time the wages are due and owing.

The Hearing Officer has accepted the offer of the employer and the amount was agreed to by the claimant. The claimant has not notified the Department of Labor as to the receipt of the payment. The DOL has tried to reach her on this matter.

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 Hearing Officer finds that the claimant was not paid all wages due, it is hereby ruled that the Wage Claim is valid in the amount of \$150.00.

The employer is hereby ordered to send a check to this Department, payable to [REDACTED] in the total of \$150.00, less any applicable taxes, within 20 days of the date of this Order. If this amount has been paid, the claimant is to notify the Department of Labor. The employer can also send in a copy of the cancelled check to provide proof of payment. If proof of payment is provided, this claim will be considered closed.

Thomas F. Hardiman
Hearing Officer

Date of Decision: May 9, 2016

Original: Claimant
cc: Employer

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