

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



**V**

**Score Construction Services LLC**

**DECISION OF THE HEARING OFFICER**

**Nature of Dispute:** RSA 275:43 I unpaid wages  
RSA 275:43 V unpaid employee expenses  
RSA 275:44 IV liquidated damages

**Employer:** Score Construction Services LLC, 3 Sanborn Rd Ste 3,  
Londonderry NH 03053

**Date of Hearing:** August 11, 2016

**Case No.:** 53018

**BACKGROUND AND STATEMENT OF THE ISSUES**

The claimant originally asserted, through the filing of her wage claim, that she was owed \$1,947.00 in unpaid employee expenses, in the form of bank fees, which she incurred because the employer paid her later than designated payday and provided a live check when she expected her pay via an established direct deposit program. She further sought liquidated damages.

At the hearing, the claimant agreed that \$1,947.00 included not only the bank fees but the actual payments to her creditors as well. She articulated that she incurred approximately \$150.00 in bank fees, however, her original claim shows \$175.00 in claimed bank fees.

The employer's representative argues the claimant never received direct deposit, only live checks. She did admit the employer paid the claimant later than pay day on one occasion, May 17, 2016, which should have been paid on May 13, 2016.

**FINDINGS OF FACT**

The claimant worked for the employer for approximately six weeks. The claimant had originally requested to have her wages paid via direct deposit. The employer paid the claimant via direct deposit for the first four paychecks and live checks for the remaining checks.

The employer admits that they paid the claimant later than the designated pay day of May 13, 2016, which they paid on May 17, 2016.

The claimant argues the employer's one late payment and their production of live checks rather than direct deposit on payday cause her to become overdrawn in her account and created a total of \$175.00 in bank fees to be debited from her account.

The employer met their obligation of RSA 275:43 to pay all wages due on designated pay day on all but one occasion, May 17, 2016. Though the claimant may have selected direct deposit, since they were unable to pay her wages through that method, the employer correctly provided a live check timely, save May 17, 2016.

The claimant did not produce any documentation to show the dates and amount of the transaction fees she incurred. She could not articulate any specific information about these fees, including the amounts, in her testimony.

Therefore, the Hearing Officer finds the claimant failed to prove by a preponderance of the evidence she is due the claimed employee expenses.

### **DECISION**

Based on the testimony and evidence presented, as RSA 275:43 V considers the payment of employee expenses to be wages, when due, if a matter of employment practice or policy, or both, and as this Department finds that the claimant failed to prove by a preponderance of the evidence that she is due employee expenses, it is hereby ruled that the Wage Claim is invalid.

---

Melissa J. Delorey  
Hearing Officer

Date of Decision: August 22, 2016

Original: Claimant  
cc: Employer

MJD/aph