

STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
CONCORD, NEW HAMPSHIRE



V
TDT Cleaning & Commercial Services LLP

DECISION OF THE HEARING OFFICER

Nature of Dispute: RSA 275:43 I unpaid wages

Employer: TDT Cleaning & Commercial Services LLP, PO Box 220, Sanbornville, NH
03872

Date of Hearing: December 1, 2016

Case No.: 54054

BACKGROUND AND STATEMENT OF THE ISSUES

This hearing was consolidated with another wage claim for this employer. Separate decisions have been issued for these hearings.

The claimant originally asserted, through the filing of her wage claim, that she was owed \$401.50 in unpaid wages for hours worked between August 11 and August 16, 2016.

At the hearing, the claimant clarified she was due \$327.50, as the \$401.50 was the full amount for the week and she did receive a payment for some hours. She then made additional amendments to remove hours from the claim. She now seeks \$325.00 for 32.50 hours worked.

The employer denies the claimant was not paid for all time worked.

FINDINGS OF FACT

The claimant now argues she is due \$325.00 for hours worked between August 11 and August 16, 2016.

The employer argues the claimant has been paid all wages due pursuant to the time records created and maintained by the employer.

The employer provided credible testimony and evidence, previously submitted, that the claimant received all wages due pursuant to the contemporaneous time records maintained by the employer.

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

DISCUSSION

The burden of proof lies with the claimant in these matters. The claimant has the burden to prove by a preponderance of the evidence that the claimed wages are due. Proof by a preponderance of evidence as defined in Lab 202.05 means a demonstration by admissible evidence that a fact or legal conclusion is more probable than not.

The claimant failed to meet this burden.

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 she is owed the claimed wages, it is hereby ruled that the Wage Claim is invalid.

Melissa J. Delorey
Hearing Officer

Date of Decision: December 9, 2016

Original: Claimant
cc: Employer

MJD/das