

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



**V**

**Cataleya's Caribbean Grill LLC**

**DECISION OF THE HEARING OFFICER**

**Nature of Dispute:** RSA 275:43 I unpaid wages  
RSA 275:43-b unpaid salary  
RSA 275:43 V unpaid employee expenses

**Employer:** Cataleya's Caribbean Grill LLC, 420 Main St, New London, NH 03257

**Date of Hearing:** April 5, 2017

**Case No.:** 54473

**BACKGROUND AND STATEMENT OF THE ISSUES**

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

The claimant asserts he is owed \$2,100.00 in unpaid salary for work performed for the three weeks between November 20, 2016 and December 9, 2016.

The claimant made no argument for unpaid employee expenses, and therefore, this issue will not be addressed in this Decision.

The employer denies the claimant performed work during the claimed dates because his last day of work was November 20, 2016.

**FINDINGS OF FACT**

The claimant argues he moved in with the employer, after she contacted him needing a new cook for the restaurant. He alleges she made promises about potential "sweat equity" ownership in the business. He alleges he worked between August 2016 and December 1, 2016, when the employer terminated his employment.

The employer argues the claimant's last day of work was November 20, 2016, when he moved out of her house. She paid his last payroll on November 22, 2016. He did come into the restaurant on December 1, 2016, at which time they argued and the police were called.

Both parties tell a passionate story. The Hearing Officer finds that the claimant testified as credibly, not more credibly, than the employer. The claimant has the burden of proof in this matter to show by a preponderance of the evidence that he was not paid

for all salary due. The Hearing Officer finds that the claimant failed to meet that burden of proof as his story is only as credible as, not more credible than, the employer's. The claimant, therefore, fails to prove by a preponderance of the evidence that he is owed the claimed wages.

### **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 he is owed the claimed wages/salary, it is hereby ruled that the Wage Claim is invalid.

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Melissa J. Delorey  
Hearing Officer

Date of Decision: April 6, 2017

Original: Claimant  
cc: Employer  
Employer's Attorney

MJD/das