

STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
CONCORD, NEW HAMPSHIRE



V

Score Construction Services Inc

DECISION OF THE HEARING OFFICER

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

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

Date of Hearing: April 27, 2017

Case No.: 54663

BACKGROUND AND STATEMENT OF THE ISSUES

The claimant asserted, through the filing of his wage claim, that he was owed \$36,000 in unpaid salary/wages and employee expenses. At the hearing, he removed \$5,000 in unpaid expenses.

The employer, through their written objection, denies the claimant was not paid for all time worked and expenses, with the exception of \$950 for his final week of work. At the hearing, they asserted they no longer believed he was due any wages as he did not perform any work during the pay period which he is claiming wages.

FINDINGS OF FACT

The claimant worked for the employer between April 2015 and late 2016.

The parties describe many relationships during this time period. The claimant purported to be an owner at times, an employee during others, and have a financial interest in the employer. The employer also noted the claimant could not be an owner due to a prior legal issue, and therefore treated him as an employee, though the claimant disputes this.

The claimant argues he is due unpaid wages and unpaid employee expenses.

The employer argues the claimant has been paid all wages and employee expenses due.

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 all wages or expenses 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 or employee expenses.

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, it is hereby ruled that this portion of the Wage Claim is invalid.

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 he was not paid all employee expenses due, it is hereby ruled that this portion of the Wage Claim is invalid.

Melissa J. Delorey
Hearing Officer

Date of Decision: May 11, 2017

Original: Claimant
cc: Employer

MJD/das