

**STATE OF NEW HAMPSHIRE**

**DEPARTMENT OF LABOR**

**CONCORD, NEW HAMPSHIRE**



**V.**

**Alstead Village Market, Inc.**

**DECISION OF THE HEARING OFFICER**

**Nature of Dispute:** RSA 275:43 I unpaid wages  
RSA 275:48 I illegal deductions

**Employer:** Alstead Village Market, Inc., 10 Mechanic Street, Alstead, NH 03602

**Date of Hearing:** June 27, 2017

**Case No.:** 54773

**BACKGROUND AND STATEMENT OF THE ISSUES**

The claimant originally filed three separate claims.

The employer remitted \$310.00 which they believed to pay all wages due.

The claimant believed she was due \$272.00 in additional wages and requested to continue with a hearing.

**FINDINGS OF FACT**

The claimant was an employee of Alstead Village Market, Inc. from January 2015 until December 29, 2016.

The claimant was terminated from employment for taking money from the cash register, which she denied.

The claimant alleges she is due \$272.40 after receiving payment of \$310.00 from the employer.

The employer acknowledged deducting \$78.80 from the claimant's wages for a draw shortage and agrees to return these wages to the claimant.

The employer provided credible testimony accounting for the time worked by, and hours paid to, the claimant. The employer's payment of \$310.00 meets their obligation to pay all wages due under RSA 275:43 I.

The Hearing Officer finds the claimant failed to prove by a preponderance of the evidence she is due any further wages.

RSA 275:48 I allows an employer to make deductions from wages due an employee only in ***specific circumstances***. The Hearing Officer finds that the employer made an illegal deduction for a cash register shortage, and the employer agrees to remit this payment.

The Hearing Officer finds the claimant proved by a preponderance of the evidence that she is due \$78.00 in illegal deductions from her wages.

### **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 Department finds that the claimant proved by a preponderance of the evidence that she was not paid all wages due, it is hereby ruled that the Wage Claim is valid in the amount of \$78.80.

The employer is hereby ordered to send a check to this Department, payable to [REDACTED], in the total of \$78.80 less any applicable taxes, within 20 days of the date of this Order.

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David M. Zygmunt  
Hearing Officer

Date of Decision: July 18, 2017

Original: Claimant  
cc: Employer

DMZ/das