

STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
CONCORD, NEW HAMPSHIRE



V

Connection Inc

DECISION OF THE HEARING OFFICER

Nature of Dispute: RSA 275:43 I unpaid wages/bonus

Employer: Connection Inc, 730 Milford Rd, Rte 101A, Merrimack NH 03054

Date of Hearing: November 30, 2017

Case No.: 55533

BACKGROUND AND STATEMENT OF THE ISSUES

This hearing was consolidated with another claim against the same employer. Separate decisions have been issued for each case.

The claimant asserts he is owed \$19,933.54 in unpaid bonus, the maximum allowed under the bonus plan.

The employer denies the claimants are due any wages as this is not the proper jurisdiction as the claimants worked exclusively in Florida. Further, even if jurisdiction were appropriate, the bonus plan the claimant references was not in effect during the period for which they are claiming a bonus.

FINDINGS OF FACT

The claimant worked for the employer from April 2010 through September 29, 2017, when he resigned. He performed a majority of his work in Florida, though he traveled all over the country, including to New Hampshire once or twice per year.

This Department must determine whether it has jurisdiction in this matter as the claimant performed a majority of work in the State of Florida.

Attorney General Charles T. Putnam provided Opinion #87-35 on June 8, 1987:

"In determining whether it would be fundamentally fair to these parties to have the division decide this action, the following factors were examined:

- (a) Was the work performed in New Hampshire?
- (b) Was the employment principally located in New Hampshire?

- (c) Did the employer supervise the employee's activities from a place of business in New Hampshire?
- (d) Did the parties agree in the employment contract or otherwise that their rights should be determined under New Hampshire wage payment statute?
- (e) Does New Hampshire have some other reasonable relationship to the parties and the employment?

The work was performed outside of New Hampshire. Employment was not principally located in New Hampshire. The employer did supervise the claimant from New Hampshire. There is no evidence of agreement of the parties in writing or otherwise that rights should be determined under New Hampshire wage payment statute. The employer is located in New Hampshire.

As the claimant was only supervised from New Hampshire, it is the determination of the Hearing Officer that this Department does not have jurisdiction in this matter.

The claimant may have a cause of action in another venue.

DECISION

Based on the testimony and evidence presented, this Department lacks jurisdiction in this matter.

Melissa J. Delorey
Hearing Officer

Date of Decision: December 12, 2017

Original: Claimant
cc: Employer

MJD/nm