

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



**V**

**DAS Property Maintenance LLC**

**DECISION OF THE HEARING OFFICER**

**Nature of Dispute:** RSA 275:43 I unpaid wages  
RSA 275:42 I/II employer/employee relationship

**Employer:** DAS Property Maintenance LLC, 13 Richard Ct, Raymond NH 03077

**Date of Hearing:** September 13, 2017

**Case No.:** 55559

**BACKGROUND AND STATEMENT OF THE ISSUES**

The claimant asserts he is owed \$310 in unpaid wages for hours worked. He received \$800 and is still due the balance of \$310 for 16 hours of work on a Monday and Tuesday, he thinks in June 2017.

DAS Property Maintenance LLC argues the claimant was a subcontractor, not an employee. Further, the claimant owes them for property he did not return to them.

**FINDINGS OF FACT**

The claimant agreed he was a subcontractor, not an employee of DAS Property Maintenance LLC.

As this Department has jurisdiction on employees of employers, this claim cannot be heard in this venue.

Even if the claimant had proven he was an employee of DAS Property Maintenance LLC, he would maintain the burden to prove he worked the hours claimed was due the claimed wages.

The claimant was not able to articulate the dates or times of the claimed work, only that it was a Monday and Tuesday, he believes, for eight hours each day. He thought it might have been in June.

DAS Property Maintenance LLC maintained that the claimant had been paid in full for all time worked.

The Hearing Officer would have found that the claimant failed to prove by a preponderance of the evidence he worked the hours claimed and that he was due the claimed wages.

### **DECISION**

Based on the testimony and evidence presented, as RSA 275:51 V affords the Wage Claim process to employees of employers only, it is hereby ruled that the Wage Claim is invalid due to a lack of jurisdiction by this Department.

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Melissa J. Delorey  
Hearing Officer

Date of Decision: September 25, 2017

Original:      Claimant  
cc:              Employer

MJD/nm