

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



**V**

**Concurrent Computer Corporation**

**DECISION OF THE HEARING OFFICER**

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

**Employer:** Concurrent Computer Corporation, 4375 River Green Pkwy Ste 100, Duluth  
GA 30096

**Date of Hearing:** December 7, 2017

**Case No.:** 56241

**BACKGROUND AND STATEMENT OF THE ISSUES**

The claimant asserts he is owed \$1,973.20 in unpaid salary as he was paid only the first week of a bi-weekly salary upon his layoff from the employer. He repeatedly stated he was satisfied with the salary payment he received from the employer, including the sixteen weeks of severance pay he received from the company, but said he was told by this Department and New Hampshire Employment Security that he was required to file this claim. Upon notice he is not required to continue with this claim if he is satisfied, he chose to continue with the claim.

The employer admitted they were not aware of the requirements of RSA 275:43-b, as they are a Georgia corporation. However, they want to do the right thing.

**FINDINGS OF FACT**

The claimant worked for the employer through June 30, 2017, as a salaried employee paid on a biweekly basis in the amount of \$3,946.40. He was laid off effective June 30, 2017, having received several weeks' notice. He received \$1,973.20, for payment through June 30, 2017, which was the first week of the biweekly pay period ending July 7, 2017.

The claimant argues he is due the balance of the second week of the pay period in the amount of \$1,973.20.

The employer admitted they were not aware of the requirements of RSA 275:43-b, as they are a Georgia corporation. However, they want to do the right thing.

RSA 275:43-b requires that an employer pay a salaried employee their full salary for any pay period in which the employee performs any work. It also allows employers to make deductions to a salaried employee's wages under certain circumstances, but none of those exceptions apply to the facts of this case.

The claimant performed work in the pay period and does not qualify for any of the exemptions under RSA 275:43-b to receive less than his full salary.

The claimant also received sixteen weeks of severance payments, which cannot be used in this instance to offset any salary due.

Therefore, the Hearing Officer finds the claimant proved by a preponderance of the evidence he is due the claimed salary in the amount of \$1,973.20.

### **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 RSA 275:43-b requires that a salaried employee received their salary, in full, for any pay period in which they perform any work, and as this Department finds that the claimant proved by a preponderance of the evidence that he was not paid all wages/salary due, it is hereby ruled that this portion of the Wage Claim is valid in the amount of \$1,973.20.

The employer is hereby ordered to send a check to this Department, payable to [REDACTED], in the total of \$1,973.20, less any applicable taxes, within 20 days of the date of this Order.

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Melissa J. Delorey  
Hearing Officer

Date of Decision: December 28, 2017

Original:        Claimant  
cc:                Employer

MJD/nm