

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

[REDACTED]  
**v.**

**Cheshire Medical**

**DECISION OF THE HEARING OFFICER**

**Nature of Dispute:** RSA 275:43 I, unpaid wages  
**Employer:** Cheshire Medical Center, 580 Court Street, Keene, NH 03431  
**Date of Hearing:** March 20, 2018  
**Case No.:** 56702

**BACKGROUND AND STATEMENT OF THE ISSUES**

The current issue concerns a dispute between the parties regarding alleged unpaid wages with interest.

The claimant is a nurse who was employed by a regional medical center.

The claimant holds she is owed \$468.00 for hours she was scheduled to work but did not work because the employer terminated her employment.

On the basis of the claimant's assertion she is owed unpaid wages she filed a Wage Claim with this Department on January 25, 2018; a Notice of Wage Claim was forwarded to the employer on January 26, 2018. The employer's objection to the wage claim was received by the Department, and forwarded to the claimant on February 12, 2018. The claimant requested a Hearing on February 12, 2018. Notices of Hearing were forwarded to the parties on February 16, 2018. Accordingly a Hearing was held at the New Hampshire Department of Labor on March 20, 2018.

**FINDINGS OF FACT**

The claimant began working for the employer on January 2, 2018. The claimant earned \$39.00 per hour.

The claimant was scheduled to work on January 9, 2018 from 8:00 a.m. until 4:00 pm less a one-half hour lunch period.

Upon the claimant's arrival to work on January 9, 2018 the employer terminated her employment.

The employer paid the claimant for two (2) hours of work as per New Hampshire Department of Labor Statute.

## **DISCUSSION**

The claimant has the burden of proof in these matters to show by a preponderance of the evidence that he is owed additional wages. Proof by a preponderance of evidence as defined in Lab 202.05 means a demonstration by admissible evidence that a fact or legal conclusion is more probable than not.

The claimant argued that because the employer terminated her employment without notice, and that she was scheduled to work the day she was let go, she should be paid for the remainder of the day she did not work.

The employer holds the claimant was paid for all hours worked including for two (2) hours she did not work the day her employment was terminated.

New Hampshire Labor law does not require employers to provide employees advanced notice prior to terminating employment.

RSA 275:43, in-part, requires employers to pay all wages due; the statute does not require employers to pay hourly employees for hours they do not work.

This Hearing Officer finds the claimant failed to prove by a preponderance of the evidence she is due additional wages.

The issue of interest is moot as it is determined the claimant is not owed additional wages.

## **DECISION**

Based on the evidence presented and as RSA 275:43 I requires that an employer pay all wages due an employee and as this Department finds the claimant did

not prove by a preponderance of the evidence she is owed wages in the amount of \$468.00 plus interest.

David M. Zygmont  
Hearing Officer

Date of Decision: April 19, 2018

Original: Claimant  
cc: Cheshire Medical Center, 580 Court Street, Keene, NH 03431  
Attention: Thomas H. Watts, Director of Human Services

DMZ/nm

