

STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
CONCORD, NEW HAMPSHIRE



V

The Service Council LLC

DECISION OF THE HEARING OFFICER

Nature of Dispute: RSA 275:43 I unpaid wages and commissions

Employer: The Service Council LLC, PO Box 140354, Boston MA 02114

Date of Hearing: June 5, 2018

Case No.: 57075

BACKGROUND AND STATEMENT OF THE ISSUES

The claimant asserts he is owed \$15,692.30 in unpaid commissions.

The employer denies the claimant is due any commissions as he did not meet his quotas and his final sale requested and received a refund.

FINDINGS OF FACT

The claimant worked for the employer from July 2016 through November 2017. Between January 2017 and November 2017, the relevant period for this claim, the claimant received a straight 18% commission.

The claimant argues he is due \$15,692.30 in unpaid commission from 2017, documentation previously submitted.

The employer argues the claimant did not make his quotas and is not due any commissions. Further, there were times when commissions were prepaid.

The claimant provided credible testimony and evidence, previously submitted, that he made the sales and did not receive commission payments. The employer admitted in many emails that commissions had been earned and there was difficulty obtaining funds to pay the employee's wages and commissions.

The employer did not respond to the Notice of Wage Claim, nor did he submit any documentation for this hearing to show the claimant did not earn the commissions claimed. Only at the hearing did the employer raise any issues regarding quotas or low sales. No terms of the commission plan were reduced to writing.

As the claimant provided credible and persuasive testimony and evidence he is due the claimed commissions, the Hearing Officer finds the claimant proved by a preponderance of the evidence he is due the commissions in the amount of \$15,692.30.

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 he is owed the claimed commissions/wages, it is hereby ruled that the Wage Claim is valid in the amount of \$15,692.30.

The employer is hereby ordered to send a check to this Department, payable to [REDACTED], in the total of \$15,692.30, less any applicable taxes, within 20 days of the date of this Order.

[REDACTED]
Hearing Officer

Date of Decision: June 13, 2018

Original: Claimant
cc: Employer