

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



V

**Agency Leads LLC**

**DECISION OF THE HEARING OFFICER**

**Nature of Dispute:** RSA 275:43 I unpaid wages  
RSA 279:21 VIII unpaid overtime

**Employer:** Agency Leads LLC

**Date of Hearing:** September 6, 2018

**Case No.:** 57307

**BACKGROUND AND STATEMENT OF THE ISSUES**

The claimant asserted, through the filing of his wage claim, that he was owed \$14,310 in unpaid wages and \$1,470 in unpaid overtime for hours worked.

At the hearing, the claim for unpaid overtime was removed for lack of jurisdiction by this Department.

The employer denies the claimant was not paid for all time worked. They admit that the claimant was not paid properly on two occasions on which he was verbally aggressive with requesting his wages, as well as via email, therefore they feel this claim is part of his "extortion campaign."

**FINDINGS OF FACT**

The claimant worked for the employer from January 2018 through April 17, 2018, when he resigned. The claimant was an hourly employee earning \$30 per hour.

The claimant argues he worked 318 hours for which he was not compensated during his employment. He argues the employer treated his as salary when he worked more than 40 hours per week and hourly if he worked less than 40 hours per week. He asserts the employer knew he was working more than 40 hours because of email conversations which stated he was doing so.

The employer argues the claimant was paid all hours worked as he verbally reported each week, with the exception of two occasions: one when the claimant was inadvertently omitted from payroll on March 30, 2018, and the final week of work in

which they paid the claimant for two 8 hour days for the week in which he resigned, April 17, 2018, and he later reported on May 24, 2018, that he worked 30 hours during those two days. The omission of payment was rectified immediately and the final payroll was rectified prior to this hearing. The employer disagrees the claimant worked 30 hours, but paid the additional 14 hours anyway.

The employer argues the email references to working long hours were not specifically in reference to the claimant's work for them. The claimant had relationships with other companies and believed those statements were regarding the total number of hours the claimant was working for all his endeavors. The claimant initially denies he worked for any other company during this time period, though he then did admit to performing some work into February 2018 for another company.

The claimant did not present any persuasive testimony or contemporaneously maintained evidence to show the dates or times he performed work and did not receive payment. He presented a spreadsheet that he created after his employment ended.

The claimant's argument that these wages have remained unpaid since his very first week of work is not found persuasive. He was incredibly and immediately vocal when he did not receive his check for the March 30, 2018, payroll. He was just as vehement when he disagreed with his final payroll check. Yet none of the complete file of emails, previously submitted into evidence, show any complaints from the claimant for any unpaid hours of work, save these two instances.

The claimant has the burden to prove he was not paid for all time worked. The testimony and evidence presented does not support his claim.

### **CONCLUSIONS**

The claimant has the burden to prove he was not paid for all time worked. The testimony and evidence presented does not support his claim.

Therefore, the Hearing Officer finds that the claimant fails to prove by a preponderance of the evidence that he is owed the claimed wages.

### **DECISION**

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 failed to prove by a preponderance of the evidence that he is owed the claimed wages, it is hereby ruled that the Wage Claim is invalid.

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████████████████████  
Hearing Officer

Date of Decision: September 19, 2018

Original:  
cc:

Claimant  
Employer