

STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
CONCORD, NEW HAMPSHIRE



V

Dan's City Used Cars Inc

DECISION OF THE HEARING OFFICER

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

Employer: Dan's City Used Cars Inc, 272 Sheffield Rd, Manchester NH 03103

Date of Hearing: July 30, 2018

Case No.: 57393

BACKGROUND AND STATEMENT OF THE ISSUES

The claimant asserts he is owed \$689.90 in unpaid wages and commissions for work performed for the week ending May 19, 2018, after deducting approximately \$400 for money he took from the employer.

The employer admits the claimant is due \$81.00, after deducting the \$400 the claimant agrees to deduct.

FINDINGS OF FACT

The claimant worked for the employer on and off for some time until he quit on May 19, 2018. The claimant had some personal issues and he regularly took cash from the employer and paid it back the following week.

The claimant argues he is due a balance of \$689.80, after deducting the \$400 he took. He previously submitted handwritten documentation of the number of tows performed.

The employer argues the claimant is due \$81.00 after deducting the \$400 the claimant took, based on the actual commission slips, which were not submitted.

The claimant has the burden of proof in this matter to show by a preponderance of the evidence that he was not paid for all wages/commissions due. The Hearing Officer does not find the claimant's testimony and evidence persuasive as to the amount of commissions due.

As the employer admitted the claimant is due \$81.00 after the agreed upon deduction, the Hearing Officer finds this amount to be due and owing to the claimant.

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 a portion of the claimed wages, it is hereby ruled that the Wage Claim is valid in the amount of \$81.00.

The employer is hereby ordered to send a check to this Department, payable to [REDACTED], in the total of \$81.00, less any applicable taxes, within 20 days of the date of this Order.

[REDACTED]
Hearing Officer

Date of Decision: August 8, 2018

Original: Claimant
cc: Employer