

STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
CONCORD, NEW HAMPSHIRE



V

Corfin Industries LLC

DECISION OF THE HEARING OFFICER

Nature of Dispute: RSA 275:43 I unpaid wages/bonus

Employer: Corfin Industries LLC

Date of Hearing: August 21, 2018

Case No.: 57477

BACKGROUND AND STATEMENT OF THE ISSUES

The claimant asserts she is owed approximately \$5,000 in unpaid bonus for the second quarter of 2018.

The employer denies the claimant is due any further bonus based on the calculation in her sales agreement.

FINDINGS OF FACT

The claimant worked for the employer in a sales position under her employment was terminated in June 2018.

The claimant argues she should have received approximately \$5,000 in additional bonus for the second quarter of 2018. She argues that the employer erroneously assigned a performance factor of 1 in the calculation of her quarterly bonus.

The employer argues they properly paid her bonus based on the calculation in the sales agreement. Further, they were within their rights to assign the performance factor of 1 to her calculation based on her past performance.

The parties agree that the employer used the correct calculation as provided in the signed sales agreement to determine the bonus. The claimant takes issue with the employer assigning her performance factor of 1, the lowest possible number, as erroneous when it should have been a 7 or 8.

This Department does not have jurisdiction over the employer's determination of the performance factor number.

The employer properly paid the claimant pursuant to the sales agreement, as required by RSA 275:49.

Therefore, the Hearing Officer finds the claimant failed to prove by a preponderance of the evidence that she is due the claimed bonus under the written policy of the employer.

DISCUSSION

The claimant has the burden in these matters to provide proof by a preponderance of evidence that her assertions are true.

Pursuant to Lab 202.05 "Proof by a preponderance of evidence" means a demonstration by admissible evidence that a fact or legal conclusion is more probable than not.

The Hearing Officer finds the claimant failed to meet her burden in this claim.

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 she is owed the claimed wages/bonus, it is hereby ruled that the Wage Claim is invalid.

Melissa J. Delorey
Hearing Officer

Date of Decision: August 29, 2018

Original: Claimant
cc: Employer

MJD/nm