STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
CONCORD, NEW HAMPSHIRE

███████████

V

The Third Eye LLC

DECISION OF THE HEARING OFFICER

Nature of Dispute: RSA 275:43 I unpaid wages

Date of Hearing: October 30, 2018

Case No.: 57725

BACKGROUND AND STATEMENT OF THE ISSUES

The claimant asserts he is owed $620 in unpaid wages for hours worked between July 30 and August 5, 2018.

The employer denies the claimant performed work during the week he is claiming.

FINDINGS OF FACT

The claimant worked for the employer from 2016 through July 29, 2018. The parties disagree as to the reason for the claimant's separation from employment.

The claimant argues he performed work on each day between July 30 and August 6, 2018, for a total of 61 hours at a rate of $10 per hour, and did not receive any wages.

The employer argues the claimant did not perform any work during that week:
- July 30 and 31, 2018 were requested as days off by the claimant;
- August 1 and 2, 2018 the store was closed; and
- August 3 through 5, 2018 the employer cancelled his shifts, in advance of the shifts.

CONCLUSIONS

The Hearing Officer finds that the claimant testified as credibly, not more credibly, than the employer. The claimant has the burden of proof in this matter to show by a preponderance of the evidence that he performed work and was not paid all wages due. The Hearing Officer finds that the claimant failed to meet that burden of proof as his story is only as credible as, not more credible than, the employer's. The claimant, therefore, fails to prove by a preponderance of the evidence that he worked the dates alleged or 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.

_____

Hearing Officer

Date of Decision: November 8, 2018

Original: Claimant
cc: Employer