

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



V

**Trafino Restoration LLC**

**DECISION OF THE HEARING OFFICER**

**Nature of Dispute:** RSA 275:43 I unpaid wages  
RSA 275:43 V unpaid employee expenses

**Employer:** Trafino Restoration LLC

**Date of Hearing:** October 11, 2018

**Case No.:** 57821

**BACKGROUND AND STATEMENT OF THE ISSUES**

The claimant asserted, through the filing of his wage claim that he was owed \$1,576.89 in unpaid wages for a pay check that was returned by his financial institution as having insufficient funds. He also sought \$1,192.47 in unpaid employee expenses.

At the hearing, he amended the claim for unpaid employee expenses to \$1,181.47.

The employer agreed the wages and expenses are owed to the claimant. He provided the claimant with three personal postdated checks as follows:

- \$1,576.89 dated October 24, 2018
- \$600 dated November 15, 2018
- \$581.47 dated November 29, 2018

**FINDINGS OF FACT**

The employer agreed the unpaid wages and employee expenses were owed to the claimant and provided payment in full through the three postdated checks previously discussed.

**CONCLUSIONS**

As the parties agree the claimant is due the claimed amount, the Hearing Officer finds the claimant proved by a preponderance of the evidence he is owed the claimed wages and employee expenses.

The parties have agreed to the payment plan as outlined in the postdated checks presented at the hearing. This agreement is not ordered through this Decision.

## **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 wages, it is hereby ruled that this portion of the Wage Claim is valid in the amount of \$1,576.89.

As RSA 275:43 V considers the payment of employee expenses to be wages, when due, if a matter of employment practice or policy, or both, and as this Department finds that the claimant proved by a preponderance of the evidence that he was not paid all employee expenses due, it is hereby ruled that this portion of the Wage Claim is valid in the amount of \$1,181.47.

The employer is hereby ordered to send a check to this Department, payable to [REDACTED], in the total of \$2,758.36 (\$1,576.89 + \$1,181.47), less any applicable taxes, within 20 days of the date of this Order.

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[REDACTED]  
Hearing Officer

Date of Decision: October 12, 2018

Original: Claimant  
cc: Employer