

STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
CONCORD, NEW HAMPSHIRE



V

Light Blocks, Inc.

DECISION OF THE HEARING OFFICER

Nature of Dispute: RSA 275:43 I unpaid wages
RSA 275:43 V unpaid severance pay

Date of Hearing: November 20, 2018

Case No.: 57961

BACKGROUND AND STATEMENT OF THE ISSUES

The claimant asserts he is owed \$2,702.40 in unpaid severance pay.

The employer argues the claimant received all severance pay according to the written separation agreement.

FINDINGS OF FACT

The parties executed an agreement which included an agreement for severance pay.

The claimant argues the agreement requires the employer to pay four separate monthly installments of \$2,702.40 of severance pay.

The employer argues the agreement requires a total severance payment of \$2,702.40, paid in four monthly installments at the rate of his regular weekly salary. They did offer a similar package to another employee at the same time due to financial circumstances.

The New Hampshire Supreme Court concluded that severance benefits offered to a few employees on individually negotiated terms did not meet the definition of wages and RSA 275:42 III and RSA 275:43 III (now RSA 275:43 V). Because of this conclusion, the Hearing Officer finds that the severance pay offered to the claimant was not "wages" and, therefore, is not within the scope of jurisdiction of a Wage Claim

DISCUSSION


Even if this Department did have jurisdiction, the claim would have failed because the employer paid the claimant pursuant to their written agreement. The claimant's interpretation of the agreement is not found to be persuasive given the plain English reading of the agreement.

CONCLUSIONS

Because severance pay is not considered wages in the situation, this Department lacks jurisdiction over the claim.

DECISION

Based on the testimony and evidence presented, as RSA 275:51 V affords the Wage Claim process for wages only and severance pay is not considered wages in this instance, it is hereby ruled that the Wage Claim is invalid due to a lack of jurisdiction by this Department.


Hearing Officer

Date of Decision: November 26, 2018

Original: Claimant
cc: Employer