STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
CONCORD, NEW HAMPSHIRE

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SEASONS AT ATTITASH OWNERS ASSOCIATION

DECISION OF THE HEARING OFFICER

Appearances: Paul W. Chant Esq., Attorney for the Employer

Nature of Dispute: RSA 275-E:4 I (Whistleblowers' Protection Act

Employer: Seasons at Attitash Owners Association

Date of Hearing: July 29, 2014

Case No. 48060

BACKGROUND AND STATEMENT OF THE ISSUES

The claimant filed his charges under the Whistle Blowers' Protection Act on May 5, 2014. The claimant makes the charge that he was compelled to perform an illegal order and that he is seeking his position to be reinstated and that he receive all back pay.

The hearing opened with several questions about the complaint because the written submissions did not make it clear that the employer issued an illegal order and that the claimant performed the illegal order. The claimant stated that he was told not to mention some illegal activities of a former employee to selected members of the Board of Directors. The report was given to the local authorities to be investigated and there were charges brought against the former employee. The Board of Directors made the claimant the lead person on the investigation and has asked for reimbursement of his time spent on the development of the case as part of a settlement.

The employer has asked that the Whistleblowers' Complaint be dismissed because the claimant was not disciplined for anything he did on the criminal investigation. The facts submitted seem to hold this to be true. The claimant was dismissed for a completely different reason (philosophical management differences) and the claimant brought these to the forefront after he had been terminated.

FINDINGS OF FACT

The claimant does not have an appeal under the Whistleblowers' Protection Act.

DECISION AND ORDER

The Motion To Dismiss is granted in this case.

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Thomas F. Hardiman
Hearing Officer

Date of Decision: August 20, 2014

Original:　　　　██████████
cc:　　　　　　Seasons at Attitash Owners Association

TFH/klt