

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

[REDACTED]

v.

**Asset Squirrel, LLC.**

**Case No. 102151**

**DECISION OF THE HEARING OFFICER**

**Appearances:** [REDACTED] claimant

Employer failed to appear

**Nature of Dispute:** RSA 275:43 I -- Weekly, Unpaid Wages

**Date of Hearing:** June 14, 2022

**BACKGROUND AND STATEMENT OF THE ISSUES**

The current issue concerns the employer's alleged failure to pay the claimant all the wages she alleges are due. Specifically, the claimant assert that she is owed wages in the amount of \$5,694.45.

The claimant filed a Wage Claim with the Department on April 26, 2022. A Notice of Wage Claim was forwarded to the employer on May 2, 2022. The employer failed to respond. The claimant requested a hearing May 19, 2022. The hearing notice was dated May 25, 2022 and a hearing was scheduled accordingly.

Despite having proper notice, the employer did not appear for the scheduled hearing. After waiting more than fifteen minutes pursuant to Lab Rule 203.04, the hearing proceeded in the employer's absence.

**FINDINGS OF FACT**

The following findings are based on testimony and matters of record in the Department file.

The wage claim asserts that the claimant was remotely employed as a bookkeeper with the employer from late October 2021 to April 25, 2022 and is owed \$5,694.45 in wages from March 16, 2022 to April 25, 2022. The claimant was terminated

from employment April 26, 2022 via e-mail and filed her wage claim the same day. The claimant testified she was not given a reason for her termination but stated that it probably had to do with her requests for her back wages.

The claimant testified that she was a salaried employee at \$50,000.00 per year. The claimant testified that the employer is an attorney who operates various limited liability corporations including a law firm and the bookkeeping firm which employed the claimant. The claimant testified that at various times she was paid by the bookkeeping firm, the law firm, by PayPal and the employer's credit card where no federal taxes were withheld. The claimant testified that she was paid correctly in 2021 and all appropriate deductions were made.

The claimant testified that the employer has ignored her requests for her back pay. The employer failed to respond to the hearing notice and failed to appear for the hearing.

At this point the hearing was concluded.

### **DISCUSSION AND CONCLUSIONS**

The claimant has the burden of proof in these matters to show by a preponderance of the evidence that she is owed wages. Proof by a preponderance of evidence as defined in Lab 202.05 means a demonstration by admissible evidence that a fact or legal conclusion is more probable than not.

RSA 275:43 I requires that an employer pay all wages due an employee within 8 days of the expiration of the work week. The claimant's allegation that the employer withheld \$5,694.45 in wages is supported in the claimant's wage claim. The claimant worked from March 16, 2022 to April 25, 2022. The claimant was unpaid for this timeframe and entitled to her wages in the amount of \$5,694.45. The employer failed to respond the Department's notice of the wage claim or the hearing notice. The employer provided no assertions or evidence to contradict the claimant's claim or testimony.

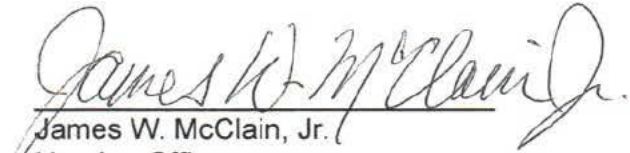
After reviewing the evidence and testimony, the claimant's wage claim with regards to nonpayment of wages is found to be persuasive. It is found that it is more likely than not that the employer failed to pay the claimant her wages as required under RSA 275:43 I.

### **DECISION**

Based on the testimony and evidence presented, this Department finds the claimant met her burden to prove by a preponderance of evidence that she is owed additional wages.

The employer is ordered to send a check to this Department payable to ██████████ in the amount of \$5,694.45, less applicable taxes, within 30 days of the date of this order.

July 7, 2022  
Date of Decision

  
James W. McClain, Jr.  
Hearing Officer

Original:            Claimant  
cc:                    Employer

JWM/nd