

STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
CONCORD, NEW HAMPSHIRE

██████████
v.
Faithful Cleaning
Case No. 102506

DECISION OF THE HEARING OFFICER

Appearances: ██████████ Claimant – FAILED TO APPEAR
Employer, Kira Cassiani, Owner

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

Date of Hearing: July 11, 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 asserts that she is owed \$75.00 representing salary for the day of May 12, 2022.

The claimant filed a Wage Claim with the Department on May 27, 2022. A Notice of Wage Claim was forwarded to the employer on June 2, 2022. The employer replied with an Objection on June 7, 2022. The claimant requested a hearing on June 7, 2022.

On June 21, 2022 a Hearing Notice for July 11, 2022 at 9:45 a.m. was sent to the parties for issues presented pursuant to RSA 275:43 I - Weekly, Unpaid Wages. The Hearing Notice was not returned as undelivered. The case was called on July 11, 2022 at 9:45 a.m. the claimant was not present. The case was called a second time at 10:00 a.m., the claimant was not present. The claimant had not contacted the Department to seek a continuance or for any reason. It was determined that the claimant received proper notice and after waiting more than the required fifteen minutes hearing went forward with only the employer present.

FINDINGS OF FACT

The Employer's Objection dated June 7, 2022 is hereby incorporated by reference as if fully described herein.

Faithful Cleaning is a residential cleaning service. The Owner, Ms. Cassiani reported her review of documentary evidence supports her written Objection that:

She dropped the claimant off with a supervisor that was training her at a client's house. The claimant asked Ms. Cassiani to keep her backpack in Ms. Cassiani's car, each expecting that the claimant would pick it up at the end of the shift. It is unclear if the claimant did any work

at the client's house because after approximately ten or twenty minutes she texted Ms. Cassiani, stating that she was quitting because "...her shirt was touching her and it felt like people were touching her..." At some point soon after that text, the claimant abruptly left the client's house without the supervisor being told she was leaving. Ms. Cassiani had some obligations that caused a brief delay in her ability to get the claimant's backpack to where she could pick it up. The claimant was very upset by this delay, she called the police and approximately ten days later demanded \$75 for two hours of pay because "the law required it no matter how much she worked."

The Claimant's Wage Claim filed with the Department on May 27, 2022 is hereby incorporated by reference as if fully described herein.

The parties' written reports are largely similar. However, the claimant did not describe being dropped off at the client's house by Ms. Cassiani. She states that she "[w]as told via text to begin at 8:30am on 5/12/2022. At 10:30am 5/12/22 I sent notice via text of being uncomfortable in clients (sic) home and asked for my personal belongings in owners (sic) vehicle..." Next, the claimant states that she had to wait two hours before she could pick up her belongings. She demands \$75 without more wage-related detail.

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.


The issue here is whether the claimant actually worked for two hours which is implied by the Wage Claim or was she merely at the client's house for a very short time before abruptly leaving having not worked at all. There is insufficient evidence in this record to support the conclusion that it is more probable than not that the claimant actually worked that day.

DECISION

Based upon a thorough review of all of the evidence presented, this Department finds the claimant met has not met her burden to prove by a preponderance of evidence that she is owed additional wages. It is hereby ruled that this Wage Claim is **invalid**.

So ordered:

July 27, 2022
Date of Decision



David T. Bailinson, Esq., Hearing Officer

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