

STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
CONCORD, NEW HAMPSHIRE



V

Slay Salon LLC
Case No.: 58389

DECISION OF THE HEARING OFFICER

Nature of Dispute: RSA 275:43 I unpaid wages

Date of Hearing: March 19, 2019

BACKGROUND AND STATEMENT OF THE ISSUES

The claimant originally asserted, through the filing of her Wage Claim, that she was owed \$411.03 in unpaid wages. She amended her written claim to \$698 in unpaid wages for hours worked between November 18, 2018, and January 5, 2019.

At the hearing, the claimant amended the claim to \$1,043.50.

The employer denies the claimant was not paid for all time worked or is due any further wages.

The claimant initially objected to the employer appearing via telephone. She then appeared by telephone herself. At the outset of the hearing the claimant was asked if she wanted to proceed with this hearing today or reschedule to a time when both parties could both be present in person, and she chose to proceed with this scheduled hearing.

FINDINGS OF FACT

The claimant worked for the employer as a stylist from November 18, 2018, through January 4, 2019.

The claimant initially filed this claim on January 17, 2019, for \$411.03 in unpaid wages. She amended that claim on January 31, 2019. She further amended the claim at the hearing to \$1,043.50.

The employer was absent for much of the claimant's tenure due to personal issues. The claimant received wages later than required by RSA 275:43 on many occasions during her employ.

The claimant did not always punch in the employer's time keeping system appropriately. This is deduced to be a combination of employer and employee issues with the usage and set up of the system.

The claimant initially received a W-2 with erroneously reported wages, however, the employer later provided a corrected document to the claimant.

DISCUSSION AND CONCLUSIONS

The claimant now argues that the employer has failed to pay her \$1,043.50 over the course of her employment.

The employer argues that the claimant has been paid in full for all hours worked. She further asserts that the claimant, alone and in concert, is attempting to take advantage of the situation with the employer being absent from the salon to receive wages that are not due.

The claimant has the burden to prove by a preponderance of the evidence that she worked the hours claimed and is due the claimed wages.

The claimant provided an abundance of excel spreadsheets and text messages to support her position that she was not paid all wages due. The text messages show that the claimant was not paid timely. The excel spreadsheets were generated by the claimant after the fact to show a running log of wages she believes are due. She did not provide any documentation to show she worked the hours for which she is claiming wages.


The claimant could not articulate why she made so many changes to the wages she is seeking, given that she first filed the claim almost two weeks after she stopped working for the employer.

Given the changing dollar amounts and the lack of proof regarding the hours worked, the Hearing Officer does not find the claimant's arguments that she is due any wages persuasive.

The Hearing Officer finds that the claimant fails to prove by a preponderance of the evidence that she is due the claimed wages.

DECISION

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 failed to prove by a preponderance of the evidence that she is owed the claimed wages, it is hereby ruled that the Wage Claim is invalid.



Hearing Officer

Date of Decision: April 4, 2019