



STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
CONCORD, NEW HAMPSHIRE


v.
JT MANUFACTURING CORP
CASE #63017

DECISION OF THE HEARING OFFICER

APPEARANCES: The claimant,  failed to appear. Steven Anastasi, appeared on behalf of the employer, JT Manufacturing Corp.

NATURE OF DISPUTE: RSA 275:43 I-Weekly, unpaid wages.
RSA 275:43 V-Weekly, unpaid vacation pay.

DATE OF HEARING: August 25, 2021.

BACKGROUND AND STATEMENT OF THE ISSUES

The New Hampshire Department of Labor file reflects that a wage claim in the amount of \$489.46 was filed by the claimant on July 1, 2021. A notice of wage claim was mailed to the employer on July 2, 2021. The employer objected to the wage claim on July 7, 2021. A hearing was scheduled in this matter and a hearing notice was mailed to the parties on July 28, 2021.

A formal hearing was held at this Department on August 25, 2021. On the morning of the hearing, the claimant contacted the Department and indicated that she did not want to go forward with the hearing. The claimant was advised to make her request in writing. No statement from the claimant was received thereafter.

After waiting fifteen minutes after the start time of the hearing with no response from the claimant that she was delayed, and in accordance with Administrative Rule Lab 203.04, the hearing went forward. No testimony was provided at the hearing.

FINDINGS OF FACT

In her wage claim submission, the claimant articulated that she worked forty hours from 6-21 to 6-25 and was not compensated, as she received \$240.11, missing \$489.46.

DISCUSSION AND CONCLUSIONS

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

As noted above the claimant did not appear at hearing. Absent credible evidence and testimony to support her claim, it is found the claimant failed to meet her burden to prove by a preponderance of evidence that she is owed wages.

DECISION

On the issue of RSA 275:43, it is determined that the claimant failed to prove by a preponderance of the evidence that she is due the claimed wages. It is hereby ruled that the Wage Claim is invalid.

September 09, 2021
Date of Decision

Daisy Mongeau
Daisy Mongeau, Hearing Officer

DAM/sw