

STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
CONCORD, NEW HAMPSHIRE

██████████

v.

FedEx

Case No. 63607

DECISION OF THE HEARING OFFICER

Appearances: ██████████ Claimant
Employer – failed to appear

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

Date of Hearing: January 10, 2022

BACKGROUND AND STATEMENT OF THE ISSUES

The current issue concerns the employer's alleged failure to pay the claimant all the wages he alleges are due. Specifically, the claimant assert that he is owed wages. Mr. ██████████ asserts that the total amount of his claim is \$451.00.

Mr. ██████████ filed a Wage Claim with the Department on October 12, 2021. A Notice of Wage Claim was forwarded to the employer on October 14, 2021. The employer failed to file an objection to the claim. On November 1, 2021, the claimant requested a hearing on the contested wages. Accordingly, the hearing notice was dated November 3, 2021, and a hearing was scheduled for January 10, 2022, at 8:30 am.

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

On October 12, 2021, the claimant filed a wage claim with the Department of Labor. The wage claim asserts that the claimant was employed by the employer as a package handler with FedEx from September 16 – 18, 2021, for a total of 22 hours. The

rate of pay was \$20.50 per hour. The claimant asserts he quit on September 18 and has not received his wages as required under New Hampshire law.

The employer did not respond to the hearing notice and did not appear for the hearing.

DISCUSSION AND CONCLUSIONS

The claimant has the burden of proof in these matters to show by a preponderance of the evidence that he 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 to an employee within 8 days of the expiration of the work week. The employer did not do so.

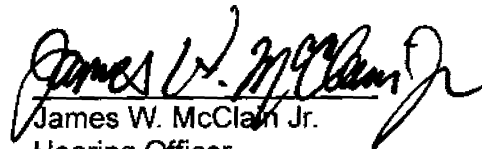
After reviewing the evidence and testimony, the claimant's wage claim with regards to nonpayment of wages is found to be persuasive. Specifically, the claimant testified that he worked a total of 22 hours and has not been paid. The claimant was credible, and his testimony is adopted. The claimant is owed wages for the time worked.

DECISION

Based on the testimony and evidence presented, this Department finds the claimant met his burden to prove by a preponderance of evidence that he is owed additional wages. It is hereby ruled that this Wage Claim is valid.

The employer is ordered to send a check to this Department payable to ██████████ in the amount of \$451.00, less any applicable taxes, within 30 days of the date of this order.

January 24, 2022
Date of Decision


James W. McClain Jr.
Hearing Officer

Original: Claimant
cc: Employer

JWM/nd