

STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
CONCORD, NEW HAMPSHIRE

██████████ ██████████
v.

CLAY'S PROPERTIES

CASE NO. 22-WG-00114

DECISION OF THE HEARING OFFICER

Appearances: ██████████ the claimant did not appear.
Jessica Clay the owner of Clay's Properties appeared Pro Se.

Nature of Dispute: RSA 279: 21 VIII Unpaid Overtime Pay

Employer: Clay's Properties

Date of Hearing: October 5, 2022

BACKGROUND AND STATEMENT OF THE ISSUES

The claimant filed a wage claim on September 17, 2022, asserting that she is due unpaid wages in the amount of \$480.00. These wages were reportedly owed based on overtime hours the claimant worked and was not compensated for.

The employer was notified by the Department of Labor (DOL) via mailing dated September 19, 2022. The employer objected and sent documentation to the DOL on September 26, 2022 and October 1, 2022. In response to the objection, the claimant requested a hearing. This hearing was then scheduled accordingly for review of the claimant's claim for unpaid overtime wages under RSA 279: 21 VIII for October 5, 2022 at 1:00 pm. Ms. Clay appeared in person on behalf of the employer at the appropriate date and time. The claimant did not appear for the hearing. After waiting 15 minutes as required by the DOL's administrative rules the hearing proceeded in the claimant's absence.

FINDINGS OF FACT

Ms. ██████████ is a ██████████ who began work at Clay's Properties in June of 2022 and quit in August of 2022. The company is owned by Jessica Clay. The claimant was paid \$16.00 per hour by the employer. The claimant worked 40 hours per week for the employer.

Ms. Clay stated that she generally tries to avoid her employees working overtime. However, when they do work overtime, she pays them the appropriate rate. The

documentation submitted indicated that when employees of Clay Properties did work overtime hours, they were paid for it.

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 unpaid 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 claimant did not appear at the hearing and as such cannot meet her burden due to a lack of evidence presented.

DECISION

Based on the evidence and testimony presented, the claimant has not met her burden and her request for \$480.00 in unpaid overtime is respectfully denied.

The wage claim is ruled **invalid**



Timothy G. Fischer
Hearing Officer

Date of Decision: October 18, 2022

TGF/nd