

Payday Law Appeal Precedents

Overview

The following Payday Law Appeals Precedents have been adopted for use by Agency staff as a reference to the Commission and the courts concerning Chapter 61, Texas Labor Code. The precedents represent the interpretations of the Commission that, until specifically revised by the Commission or the courts, should be applied by Agency staff in similar cases.

To promote consistency of appeal decisions, the Commission occasionally votes to adopt a decision in an appeal as a “precedent decision” then publishes the relevant facts and holding of these decisions. A case adopted as a precedent may be cited to decision-makers, Hearing Officers, and the Commission as a governing precedent in a case.

Payday Law Precedents Case Digest

Wage Claim No. 06-055183-9: The employer provided the claimant with a check for the amount of wages the employer believed the claimant was owed, but the claimant handed the check back to the employer because he did not agree that the amount accurately reflected the wages he was owed. HELD: Delivery of a check to the claimant under these circumstances did not constitute partial payment of the claimant’s wages because the claimant immediately returned the check to the employer without negotiating the instrument for payment, notified the employer of his dispute regarding the amount of wages due, and never assumed control of the wages. Because the employer retained possession and control of the funds, the employer did not deliver those wages to the claimant and the employer remained responsible for paying the entire amount of wages owed to the claimant.

Wage Claim No. 07-079750-0: The claimant never received the preliminary wage determination order dismissing his wage claim. However, a Commission representative informed the claimant about the order after the claimant contacted the Commission. Several months later, the claimant filed a late appeal. The Wage Claim Appeal Tribunal dismissed the claimant’s appeal by ruling that the 21-day appeal time frame began to run when the Commission informed the claimant about the order. HELD: Reverse and remand on the merits. There are no provisions in the Texas Payday Law or Commission Rules for an appeal time frame to begin once a party “learns about” or has constructive notice of a document, if the credible evidence establishes that an appealable document was never received. Notice to a party must be in writing, explaining the determination or decision and any applicable appeal rights. Since the claimant never received written notice of the Preliminary Wage Determination Order or his appeal rights, the claimant’s appeal from that order will be deemed timely, and the case remanded to the Wage Claim Appeal Tribunal for a hearing on the merits.