

# BELL NUNNALLY'S MARK SHOFFNER AND JOSH FULLER IN DBA'S HEADNOTES LOOK AT OPTIONS, VENUES FOR WAGE CLAIM DISPUTES IN TEXAS

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**Bell Nunnally Partner Mark A. Shoffner and Senior Associate Joshua D. Fuller authored the Dallas Bar Association (DBA) *Headnotes* article “Wage Claim Disputes: In Court or Administrative Proceeding?” They detail:**

*An employee who wants to pursue a claim for allegedly unpaid wages must choose between two options: (1) instituting an administrative proceeding through the Texas Workforce Commission (TWC) or (2) suing at common law for the recovery of the wages. Regarding the former, the Texas Legislature has adopted a comprehensive administrative scheme for claimants to seek the recovery of allegedly unpaid wages. The administrative process, codified at Chapter 61 of the Texas Labor Code (commonly referred to as the Texas Payday Law), permits a claimant to file a wage claim with the TWC.*

After exploring the process and key considerations for the above avenues, the article concludes:

*In sum, both sides to a wage-claim dispute should consider how a request for the recovery of allegedly unpaid wages might play out with the TWC or in court. [D]ue to the jurisdictional implications of timely instituting a TWC administrative proceeding, a claimant should carefully consider the foregoing pros and cons, as well as other matter-specific concerns. Employers should also be mindful of key defenses, deadlines, and other procedural hurdles that may destroy or limit a claimant's request to recover allegedly unpaid wages.*

To read the full article, please click [here](#).

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