

**THE MANAGEMENT OF BONG MINING COMPANY**, by and thru its representative, Appellant, *v.* **JOSEPH RUSSELL** and the **BOARD OF GENERAL APPEALS, MINISTRY OF LABOUR**, Appellees.

APPEAL FROM THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT,  
MONTSERRADO COUNTY.

Heard: May 21 & 22, 1984. Decided: June 28, 1984.

1. A final judgment is one which disposes of the cause, both as to the subject matter and the parties, as far as the court had power to dispose of it, while an interlocutory judgment is one which reserves or leaves some further question or direction for future determination. But whether a judgment is final depends somewhat on the purpose for which, and the standpoint from which, it is being considered.
2. An interlocutory judgment is not final and therefore not appealable.

The Board of General Appeals (“the Board”) remanded this case to the hearing officer to ascertain the last monthly salary of appellee/co-respondent, Joseph Russell, so as to facilitate the determination of his entitlement. The appellant/petitioner appealed to the circuit court from the ruling of the Board, but appellees/respondents resisted on the grounds that the Board’s decision was interlocutory and, therefore, not appealable. The lower court judge, agreeing with the former, ruled that the Board’s decision was final and therefore appealable. The Supreme Court disagreed with the lower court judge and accordingly reversed and remanded to the hearing officer to comply with the instructions of the Board.

*S. Edward Carlor* and *David Kpomakpor* for appellant. *Francis Y. S. Garlawolu* appeared for the appellees.

MR. JUSTICE MORRIS delivered the opinion of the Court.

When this case was called for hearing, the counsel for appellees informed us that they had filed a motion to dismiss the appeal because of insufficiency of the amount of indemnification laid in the bond. The motion was resisted, argued and denied, and the appeal ordered proceeded with. We shall now proceed to dispose of the appeal.

The appellant has filed a five-count bill of exceptions but we shall only consider count four of said bill of exceptions as it would be rather premature to pass upon the issues raised in counts one, two, three and five at this time. Count four states:

"And also because appellant says that Your Honour committed a reversible error when you confirmed the Board's ruling based upon the contention raised by the respondents in their returns, in that in said returns the respondents contend that the ruling of the Board is interlocutory. Appellant says that the said ruling was conclusive and final and, therefore, is appealable."

In its two-count petition, petitioner/appellant maintained in count one that the ruling of the Board of General Appeals is against the weight of the evidence adduced at the trial, in that at the Board's level, appellant requested the admission of the work schedule but same was rejected. Even though the Board has the right to receive additional evidence, the request for admission of new evidence was denied. It alleged in count two that the Board erred when it ruled on a case when the evidence presented in the case was not conclusive. Therefore, the entire case should have been remanded.

In their returns to the petition, the respondents/appellees argued that the ruling of the Board was interlocutory and therefore not appealable, for the Board simply remanded the case to the hearing officer to gather certain information pertaining to the salary of the co-respondent/appellee, Joseph Russell, to insure that the calculation of his entitlement would be accurate. Regarding the Board's request for the work schedule, the respondents/appellees contended in count two of their returns that accepting additional evidence was the prerogative of the Board, and it does so only when it finds it feasible and necessary. With regards to count two of the petition, respondents/appellees averred that the Board did not consider the evidence adduced at the trial conclusive. Hence, it remanded the case to the hearing officer to cite the parties and ascertain the co-respondent's monthly salary, which procedure was in keeping with law.

We will first quote the last paragraph of the Board's ruling and then take recourse to the judge's ruling on the point:

"The respondent's salary not having formed part of our records, this case is remanded for the hearing officer to cite both parties and ascertain same. Remanded with modifications."

In ruling on the contention that the ruling of the Board was interlocutory and not appealable the lower court said, and we quote:

"Traversing these contentions as raised by petitioner, respondents contend in count one of their returns that the ruling of the Board is not by law appealable for reason that same is interlocutory and does not put finality to the case.

The court is of the opinion that the ruling of the Board confirming and affirming the hearing officer's ruling cannot be considered interlocutory since it confirms the ruling of an inferior tribunal. Hence count one of the returns is overruled.

We are not in agreement with the judge when he opined that a ruling of the Board was final because it affirmed and confirmed the hearing officer's ruling. For the benefit of this opinion, we shall define final and interlocutory judgments:

A final judgment is one which disposes of the cause, both as to the subject matter and the parties, as far as the court has power to dispose of it, while an interlocutory judgment is one which reserves or leaves some further question or direction for future determination. But whether a judgment is final depends somewhat on the purpose for, and the standpoint from which it is being considered." 49 C. J. S., *Judgments*, §11 (a).

The ruling of the Board of General Appeals remanding the case and ordering the hearing officer to cite the parties to ascertain the monthly salary of co-respondent Joseph Russell is interlocutory as per the above citation. The statute provides that "every person against whom a final judgment is rendered shall have the right to appeal from the judgment of the court, except that of the Supreme Court. The decision of the Supreme Court shall be absolute and final."

In view of the facts and circumstances outlined and the laws cited, it is our candid opinion that the ruling of the Board of General Appeals is not a final one. It is, instead, interlocutory and therefore not appealable. Hence the judgment is reversed and the case is remanded to the hearing officer to cite the parties and ascertain the last monthly salary of co-respondent Joseph Russell prior to his dismissal, in keeping with the ruling of the Board of General Appeals. And it is hereby so ordered.

*Ruling reversed; Case remanded.*