

**The Management of Catholic Relief Services (CRS) of Monrovia, Appellant Versus Ahmed Fayiah, also
of the City of Monrovia, Appellee**

LRSC 50

JUDGMENT WITHOUT OPINION

At the call of this case, Counsellor Powo C. Hilton of the Touch Law Firm appeared for the appellant. Counsellor Thompson Jargba of the Jargba and Associates Law Firm appeared for the appellee.

During argument before this Court/Counsellor Powo C. Hilton maintained that the Hearing Officer at the Ministry of Labor entered a default judgment against the appellant on September 23, 2010, based on an application made by the appellee to use the records from an earlier investigation which had been vacated and set aside by the same Hearing Officer when he granted a motion to rescind his ruling in the first investigation held on August 20, 2010.

Counselor Thompson Jargba, counsel for the appellee, admitted the truthfulness of the appellant's contention and, by leave of Court, made a submission on the minutes of Court conceding that the National Labor Court Judge committed reversible error when she confirmed and affirmed the ruling of the Hearing Officer awarding a default judgment against the appellant in the second investigation even though appellee did not produce any evidence but rather relied on oral and documentary evidence produced at the first investigation.

Our review of the records shows that on June 11, 2010, the Hearing Officer at the Ministry of Labour granted appellee's application for a default judgment but vacated said judgment after the appellant filed a motion to rescind on June 16, 2010. A new investigation commenced and, again, the appellant did not appear nor send a written excuse; hence, the appellee made an application for a default judgment due to the unexcused absence of the appellant and its counsel of record, which was granted. However, instead of the appellee's counsel producing evidence to make the imperfect judgment perfect; he elected to request the investigation to use the records from the first investigation which had been set aside as a basis to award a default judgment in the second investigation.

This Court having considered the submission made by counsel for the appellee conceding that the Judge of the National Labor Court erred in confirming and affirming the ruling of the Hearing Officer at the Ministry of Labor and being satisfied that the concession of the counsel for the appellee is in keeping with law, it is hereby ADJUDGED:

That the appellant's appeal is granted. The decision of the National Labour Court affirming the ruling of the Hearing Officer at the Ministry of Labour is reversed and the case is remanded to the Hearing Officer at the Ministry of Labour to resume jurisdiction and allow the appellee to present evidence in support of the imperfect judgment of default entered in his favor to make said judgment perfect.

The Clerk of this Court is hereby ordered to send a mandate to the judge presiding in the National Labor Court to resume jurisdiction over this case and give effect to this judgment. Costs to abide final determination. IT IS SO ORDERED.

GIVEN UNDER OUR HANDS AND THE SEAL OF THE SUPREME COURT OF LIBERIA THIS 19TH DAY OF DECEMBER, A.D. 2015.

[Please see pdf file for signatures]