IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA
SITTING IN ITS MARCH TERM, A.D. 2023

BEFORE HER HONOR: SIE-A-NYENE G. YUOH…….……. CHIEF JUSTICE
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE……..ASSOCIATE JUSTICE
BEFORE HIS HONOR: JOSEPH N. NAGBE…….…....ASSOCIATE JUSTICE
BEFORE HIS HONOR: YUSSIF D. KABA…….……ASSOCIATE JUSTICE
BEFPRE HIS HONOR: YAMIE QUIQUI GBEISAY, SR. …….ASSOCIATE JUSTICE

The Management of the Liberia Petroleum Refining Company (LPRC), by and thru its Managing Director, Madam Nyemade Pearson of the City of Monrovia, Liberia ….. ……Appellant	)
Versus	) APPEAL
Mr. Nathaniel S. Dickerson, Director/Senior Hearing Officer, Division of Labor Standards, Ministry of Labor and Elizabeth Matu Tubman White, all of the City of Monrovia, Liberia ……. Appellee	)
GROWING OUT OF THE CASE:	)
The Management of the Liberia Petroleum Refining Company (LPRC), by and thru its Managing Director, Madam Nyemade Pearson of the City of Monrovia, Liberia ….. ……Petitioner	)
Versus	) PETITION FOR JUDICIAL REVIEW
Mr. Nathaniel S. Dickerson, Director/Senior Hearing Officer, Division of Labor Standards, Ministry of Labor and Elizabeth Matu Tubman White, all of the City of Monrovia, Liberia ……. Respondent	)
GROWING OUT OF THE CASE:	)
Elizabeth Matu Tubman White, of the City of Monrovia, Liberia ……..… Complainant	)
Versus	) UNFAIR LABOR PRACTICES/WRONGFUL DISMISSAL
The Management of the Liberia Petroleum Refining Company (LPRC), by and thru its Managing Director, Madam Nyemade Pearson of the City of Monrovia, Liberia ……...…...Defendant	)

Heard: April 26, 2022 Decided: May 19, 2023

M.R. JUSTICE KABA DELIVERED THE OPINION OF THE COURT.

On June 28, 2018, the Appellee, Mrs. Elizabeth Matu Tuman-White, filed a complaint with the Ministry of Labor alleging, among other things, that she was employed with the Liberia Petroleum Refining Company, appellant, on September 15, 2009, as the director of finance; that she was later promoted to the position of financial comptroller by the Board of Directors through its Secretary Mr. T. Nelson Williams; that as the financial comptroller, she earned a monthly salary of US$6,537.00; that she obtained a vehicle through the management car loan policy that she is paying against by monthly salary deduction; that on January 24, 2018, about one year before her retirement, the administrative manager of the appellant informed her, via telephone, of her dismissal based on a directive of the Ministry of State for Presidential Affairs; and that her verbal termination and the seizure of her vehicle amount to wrongful dismissal/unfair labor practice.

The records show that the Ministry ordered an investigation into the appellee's complaint. During the inquiry before the hearing officer, the appellee produced one witness, herself, while the appellant also had one witness who was T. Nelson Williams, whom the court subpoenaed.

In testifying for herself, the appellee informed the Investigation that she was employed by the appellant as any other employee and that she was not a presidential appointee; that she began working with the appellant in 2009 as the director of finance and later in 2010, promoted to the position of financial comptroller after being vetted by the LPRC Board of Directors and appointed by the then managing director, Mr. Nelson Williams earning a monthly salary of US$6,537.00; that her dismissal was wrong and that it was done to avoid pension as she had one year remaining; and that she is entitled to all benefits as a matter of the LPRC’s Policy. At the close of her testimony, the appellee produced into evidence her letter of employment and other documents relating to her change of status in the appellant company.

When the appellant took the stand to produce witnesses, the appellant prayed for and was granted a *subpoena ad testificandum* for the appearance of Mr. T. Nelson Williams, II, former Managing Director of the appellant LPRC, the appellant's lone witness. In substance, Mr. Williams testified that he worked with the appellee for five (5) years as Financial Comptroller; that he initiated the process with the Board of Directors to have the appellee promoted from grade level "C", Director of Finance, to grade level "B", Financial Comptroller; and that it is the Board of Directors that appointed the appellee to the position of Financial Comptroller. In responding to a question posed by the Hearing Officer, the witness testified that the appellee serving in the capacity of a financial comptroller may be dismissed by the President of the Republic or by the Board of Directors based on the advice of the President, that a presidential appointee may be dismissed by the President without benefits, however, that the appointee has the right to severance benefits.

At the close of evidence, the hearing officer found for the appellee as follows:

> "The facts presented by the parties having been carefully perused coupled with the law controlling, the findings of the Investigation are as follows in a manner to wit:-
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> 1. That labor cases are fact-finding in that the Hearing Officer is a fact-finder;
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> 2. That Hon. T. Nelson Williams, as defendant's witness, while under cross-examination, informed the Investigation that Madam White worked under him for five (5) years as an employee of LPRC when he was the Managing Director and that she was not a Presidential Appointee. When the investigation questioned him on who could dismiss the appellee since the board of directors employed and promoted her, he answered that the President or the Board of Directors could dismiss her. These were two conflicting statements when he said Madam White is not a Presidential Appointee but rather an employee of LPRC.
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> To confirm that Madam White [was] an employee of LPRC, records revealed that she was employed on September 15, 2009,

with Employee Number 3225, with the job title Director of Finance of Grade "C".

Additionally, on November 17, 2010, there was a change of status of her job title from Director of Finance with a Grade Level "C" to Financial Comptroller with a Grade Level "B".

There was no record presented by Defendant/Management that Madam White is a Presidential Appointee. The maxim of law is that one who alleges the existence of facts must prove it.

3. That Section 8.1a (Severance Pay) of LPRC Employee Handbook of 2016 states: "Severance will be given to employees as well [as] Presidential Appointees based on tenure with each beneficiary receiving one month and half of salary of last earning for each year served plus one additional month for pay in lieu of notice.

"If one reached the age of sixty (60) and served for less than ten (10) years, he/she gets severance pay based on tenure."

4. According to Section 8.1a (Severance Pay) of LPRC Employee Handbook 2016 quoted above, Madam White is entitled to her benefits as per the last salary she has been earning since December. 2019, she will reach the age of sixty (60) and serve ten (10) years (2009 – 2019).

Wherefore and in view of the foregoing, the Management of Liberia Petroleum Refining Corporation (LPRC) is liable for the action of wrongful dismissal, and it is hereby ruled that Madam Elizabeth Matu Tubman-White is to be reinstated and be paid her last earnings and benefits from the date she was verbally dismissed as though her services were never terminated or in lieu of reinstatement, Madam White must be paid twenty-four (24) months for wrongful dismissal of US$156,888.00 (US$6,537.00 x 24months). AND BE IT SO ORDERED."

The appellant noted exceptions to the hearing officer's findings of liable and filed a ten-count petition for judicial review with the National Labor Court. The petition averred that the appellee held the position of financial comptroller when the presidential directive came into force mandating the human resources officer to temporarily take over the affairs of appellant company until a new managing director and other officers are appointed to steer the affairs of the company; that the appellee was affected by the presidential directive and that she was never dismissed or subjected to any treatment amounting to unfair labor practice; that the hearing officer erred by invoking section 8.1(a) of the appellant's employee handbook of 2016 which entitles presidential and non-presidential appointees to severance benefits; that the hearing officer also erred when he awarded the amount of US$156,888.00 in favor of the appellee who woefully failed to establish by the preponderance of evidence unfair labor practice on the part of appellant; and that the hearing officer also erred when he ordered that appellee be reinstated and be paid her benefits from her past employment with appellant.

In resisting the appellant's ten-count petition, the appellee filed a thirteen-count returns contending that the alleged mandate only instructed the human resources manager to take over the affairs of the company, but not to remove appellee from her position and retrieve assets from her; that the appellee was employed in 2009 by the appellant directly like any other employee and later rose to the rank of financial comptroller; that the appellee was about to retire in December 2019 when she was illegally dismissed on January 24, 2018 by appellant in violation of the Decent Work Act of 2015; that the appellee was paying for a vehicle through a monthly salary deduction of US$250.00 based on the LPRC 2016 vehicle policy; that the appellee was forcefully removed from her office and all the items taken from her by appellant allegedly on a presidential directive; that appellee tendered a protest letter against her illegal dismissal following which she filed a complaint before the Ministry of Labor; that the appellee rightfully invoked section 8.1(a) of the LPRC Employee Hand Book of 2016 which entitles her severance benefits without a precondition; that the appellee was up for retirement on December 31, 2019 pursuant to Section IV.8.2 of the LPRC Employee Hand Book, but that the appellant terminated the appellee's employment in order to avoid retirement pension; that assuming appellee was a presidential appointee, section 8.1(a) of LRPC Employee Handbook entitles

appellee to a severance pay; and that the petition should be dismissed and the hearing officer's ruling upheld.

The trial judge entertained the petition and the resistance to it and, after that, ruled as follows:

> "…in order to get a clarity as to the nature and scope of the referenced presidential directive alluded to by the petitioner/management as a ground for the dismissal of the respondent/complainant, this court researched the Executive Mansion Website and was fortunate to come across President Weah's presidential Directive of January 23, 2018, which reads, as follows: '...Monrovia, Liberia-President George Manneh Weah has directed the Heads of the following Government Agencies and Ministries to hold on until further notice: Those named include minister of information, Hon. Len Eugene Nagbe, Education Minister, Honorable George K. Werner, Minister of Internal Affairs, Hon. Varney Sirleaf, the Inspector General of the Liberia National Police, Hon. Gregory Coleman, and the Director of General Services Agency, Hon. Mary Broh. According to an executive Mansion release, the Liberian Leader has further directed that all ministries and public corporations be supervised by the Director of Human Resources within those entities until further notice.'
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> In view of the facts and circumstances presented, this court considered five (5) cardinal issues determinative of this case.
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> 1. Whether or not the respondent/complainant was a presidential appointee or was employed directly by the petitioner/management?
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> 2. Did the respondent/complainant's dismissal violate section 14.4 of the Decent Work Act of 2015?
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> 3. Was the Hearing Officer award of US$156,888.00 to the respondent/complainant contrary to the weight of the evidence adduced at trial at the Ministry of Labor?

4. Whether or not the respondent/complainant is entitled to all employment benefits/pension as a result of her dismissal by the Petitioner/Management?

5. Whether or not the presidential Directive of January 23, 2018, which affected the employment status of the respondent/complainant, can be imputed as an action of petitioner/management amounting to wrongful dismissal?

As to the first issue, this court says from a careful perusal of the respondent/complainant's September 15, 2009 employment letter, the respondent/complainant was employed by the Management of LPRC [through] its then Managing Director, Hon. T. Nelson Williams, II. This communication convinces this court that the respondent/complainant herein is not a presidential appointee as the Board of Directors of the LPRC hired her as director of finance and later promoted her to the office of financial comptroller, a position she held until her dismissal on January 24, 2018. More than this, the petitioner/management subpoenaed witness in the person of Hon. T. Nelson Williams, II, petitioner/management, who served as managing director at the time of the appellee's employment and promotion, confirmed in his testimony of April 11, 2019, on page 21 that: "by the employment letter of September 15, 2009, issued the respondent/complainant by the petitioner/management, Madam Elizabeth Matu Tubman-White was employed by the LPRC as director of finance grade “C”. Therefore, management employed her as an employee and not a presidential appointee". To this Court, the best evidence establishing that the appellant's management hired the appellee and not the President is the appellee's employment letter dated September 15, 2009-section 25.6 of the Civil Procedure Law under the best evidence rule.

As to the second issue, this Court answers in the affirmative and says that under section [14.4 of the Decent Work Act], an employer may only terminate an employee engaged for an indefinite period for just cause. In the instant case, the reason for dismissing the respondent/complainant here falls short of the requirements in the said

section. In other words, the respondent/complainant was never served a formal letter of termination but was asked by the human resources manager of petitioner/management, Mr. Charles Sherman, on January 24, 2018, via telephone conversation to turn over her office, as well as all properties in her possession belonging to the LPRC and this, respondent/complainant, did in obedience to the said directive from the human resources manager. Further, this court says that it observes that besides the respondent/complainant's dismissal violates the Decent Work Act 2015, said dismissal is also in violation of petitioner/management Employees' Handbook 2016, under sections IV 8.4.1 (verbal warning/counseling), IV 8.4.2 (written warning) IV 8.4.3 (Suspension/Final Warning) and IV 8.4.4 (Dismissal). This court says that before the appellant dismissed the appellee herein, the appellant never served the appellee any written, verbal warning, written warning, suspension/final warning consistent with the referenced handbook but the petitioner/management elected to dismiss the respondent/complainant. Hence, this Court considers the petitioner/management's dismissal of respondent/complainant [as] a gross violation of both the Decent Work Act 2015 and its own Employees' Handbook 2016 as indicated herein.

Looking at number three [issue], which [inquires] whether or not the award by the hearing officer of US$156,888.00 to the respondent/complainant was contrary to the weight of the evidence adduced at trial at the Ministry of Labor, this court is inclined to state that the argument raised by petitioner/management is unmeritorious in that whether respondent/complainant is a presidential appointee or not section 8.1 of petitioner/management Employees' handbook 2016 states: 'Severance pay will be given to employees as well as presidential appointees based on tenure with each beneficiary receiving one month and a half salary of last earning for each year served plus one additional month of pay in lieu of notice.' The handbook further says that if one reaches sixty (60) and serves for less than ten (10) years, they get severance pay based on tenure. Therefore, this Court says according to Section 8.1 of petitioner/management Employees' Handbook 2016, whether or not being a presidential appointee or an employee of LPRC,

she is entitled to her benefits as per the last salary she was earning since it is known by petitioner/management that she will reach the age of sixty (60) and has served ten (10) years from 2009 to 2019.

Further, according to petitioner/management, reliance [on] the award given by the hearing officer, this court says the evidence is evident in that the respondent/complainant has served petitioner/management from September 15, 2009, up to the time she was illegally dismissed especially nearing her retirement period which petitioner/management knew qualifies her for pension to include all of her benefits.

Concerning the fourth issue, the court answers in the affirmative and says that the respondent/complainant is entitled to all employment benefits/pension as a result of her summary dismissal based on the presidential directive dated Tuesday, January 23, 2018. This Court observes that the appellant dismissed the appellee when the appellee had only a year to retire per the appellant's staff handbook. This court says that section 8.1a severance pay provides as follows: ‘Severance will be given to employees as well as presidential appointees based on tenure, with each beneficiary receiving one month and a half (1 ½) salary of last earning for each year served, plus one additional month for pay in lieu of notice. If one reaches the age of sixty (60) and served for less than ten (10) and has served the company for more than (10) years but less than fifteen (15) years, shall receive a pension equivalent to an average of 55% of their monthly salary over the last five years immediately preceding their retirement.’

This court says from a careful perusal of the above sections, respondent/complainant is entitled to both severance pay and pension/retirement benefits as she was up for retirement having reached the retirement age of sixty (60), whether presidential or non-presidential appointee consistent with the above-quoted sections of petitioner/management Employees’ handbook of 2016.

In addressing the last issue, we shall make specific emphasis [on] the part of the presidential directive applicable to the case at bar. The directive did not authorize the interim leadership of public entities to

dismiss employees as was done in the appellee's case. *It only directed that, except for named institutions, the head of human resources at all other government entities supervise the affairs of those entities until otherwise ordered. Nevertheless, the supervisory authority so conferred in noway empowered the directors of human resources at public entities to indiscriminately dismiss the employees at those entities without just and legal cause*.

In the mind of this Court, this directive did not authorize the human resources manager of the appellant to dismiss the appellee or to request her to turn over her office and all properties belonging to the appellant in her possession. Furthermore, the presidential directive only directed that all ministries and public corporations be supervised by the human resources directors within those entities until further notice. Therefore, this court wonders where the petitioner/management gets its authority to dismiss the respondent/complainant when the respondent/complainant should not have been affected by the referenced Presidential directive. Furthermore, the directive did not refer to persons in a position such as the appellee who is not a presidential appointee nor a director, nor did it mention anything about the dismissal of anyone as can be discerned from the plain language of the directive. Besides, the then managing director of petitioner/management, Mr. T. Nelson Williams, II, who employed the respondent in consultation with the LPRC Board of [Directors], when serving as a subpoenaed witness at the hearing at the Ministry of Labor, clarified that the respondent was employed on September 15, 2009, as director of finance and later promoted to the position of financial comptroller, a position she held until her dismissal on January 24, 2018.

Moreover, the directive, which serves as the only ground for respondent dismissal as far as the record uncovered, captures specific names. *Those named include the minister of information, Hon. Len Eugene Nagbe; the Education Minister, Honorable George K. Werner; the Minister of Internal Affairs, Hon. Varney Sirleaf; the Inspector General of the Liberia National Police, Hon. Gregory Coleman; and the Director General of the General Services Agency, Hon. Mary Broh.*

> It further directs the director of human resources at other ministries, public corporations, and agencies to only "supervise" until further notice and not to personally call and dismiss anyone under the disguise of the presidential mandate, which acts on the part of the petitioner/management's human resource manager is considered by this court as a misinterpretation and misapplication of the nature and intent of the president's mandate issued January 23, 2018. Therefore, this court is firmly convinced that the action of the petitioner/management's human resource manager, Mr. Charles Sherman, was ultra-virus and personal. The ruling of the hearing officer is therefore confirmed.

Dissatisfied with the above final ruling, the appellant noted exceptions and announced an appeal to the Supreme Court. Thereafter, the appellant filed a six-count bill of exceptions for consideration by this Court. The bill of exceptions substantially averred that the trial judge erred when she confirmed the ruling of the hearing officer which was not supported by the evidence; that the trial judge erred when she failed to take into consideration the fact that the appellee was never dismissed by the petitioner, but instead she was affected by the presidential directive of January 23, 2018; that the trial judge was in gross error when she ruled that the presidential directive of January 23, 2018 did not authorize the dismissal of employees of government ministries, agencies and public corporations when in fact the directive stated that the human resources director of public corporations, as in the instant case, was mandated to take over the affairs of appellant until a new management can be appointed; that the trial judge erred when she confirmed the award of US$156,888.00 in favor of the appellee when the evidence adduced at trial did not meet the test of the preponderance of evidence; and that the trial judge erred when she held that appellee was entitled to all employment benefits/pension as a result of her wrongful dismissal.

The appellant also advanced three contentions in its brief and during the argument before this Court. The first contention is that the Ministry of Labour or National Labour Court lacks subject matter jurisdiction over an appointed official who is not only entitled to severance pay but also said appointed official is not covered by the Decent Work Act (2015). The second contention is that sections 8.1(a) and 8.2(b) of the appellant's handbook violate the Decent Work Act, *id*¸ and pension laws of this Republic; and, thirdly, that the award affirmed by the National Labour Court is

contrary to the weight or preponderance of the evidence as required by law. In support of each of the contentions, the appellant maintains that the appellee, having been appointed by the appellant's board of directors with the approval of the President of Liberia, thus elevating her status to that of a senior executive director, the Decent Work Act does not apply in her case, especially so, when her removal from office was done at the behest of a presidential directive dated January 23, 2018. Therefore, the Ministry of Labour or the National Labour Court erred when it entertained and decided the appellee's complaint of wrongful dismissal.

On the other hand, the appellee maintained in her brief and argument before us that she, not having been appointed by the President as evidenced by her letter of appointment dated September 15, 2009, nor subsequently promoted by the President, was not affected by the presidential directive alleged by the appellant; that the reason provided for her dismissal was illegal and wrong which entitled her to the award affirmed by the National Labour Court.

The National Labor Court, in its determination, reasoned that the appellee produced evidence that established that the appellant management employed her and the appellant's lone subpoenaed witness, Mr. T. Nelson Williams, II, corroborated this evidence. The court also held that the presidential directive relied upon by the appellant did not authorize the human resources manager to dismiss any employee. Instead, the said directive mandated the human resources manager to supervise the affairs of the appellant company until new successors were named. Besides, the appellee not being a presidential appointee but rather a regular employee of the appellant, it was ultra vires and illegal for the appellant to have terminated her services without cause.

This Court, having reviewed the records, and giving due consideration to the arguments advanced by the parties, considers the following as the issues determinative of this appeal:

1. Whether the evidence adduced during the Investigation of this case supports the finding of the Ministry of Labour that the appellee was not a presidential appointee?

2. Was the National Labour Court justified when it upheld the award made by the Ministry of Labour considering the facts and circumstances of this case?

We shall now address these issues in the order in which they are presented.

Considering the issue of whether the appellee was a presidential appointee, We revert to the trial judge's determination. The trial judge held, and we agreed, that the letters of appointment and promotion introduced into evidence by the appellee and the confirmation of her appointment by the appellant's lone witness are sufficient evidence that the appellee was employed and promoted by the appellant's Board of Director and not by the President of Liberia to be considered as a presidential appointee. Accordingly, it having been established by the evidence that the appellee is not a presidential appointee but rather a staff appointed by the Board of Directors of the Appellant corporation, the issue of whether the *Decent Work Act of 2015* applies to the instant case becomes moot. This court has held that:

> "...Where a question presented has become moot, a judgment or order may be affirmed without consideration of the merits of the case. 5 AM JUR 2d., Appeal and Error, $932..." *Ducan et al. v Cornomia,42 LLR 309 (2004), Her Excellency Madam Jewel Howard-Taylor et al. v. Madam Alice Yeebahn, Supreme Court Opinion, March Term, A.D. 2019*

This brings us to address the second issue: whether the National Labour Court was justified when it confirmed the hearing officer's finding of liable against the appellant and upheld the award granted by the said officer. The appellee is of the view that the presidential directive relied upon by the appellant not having authorized or empowered the appellant management to terminate the services of the appellee, and the appellee not being a presidential appointee that serves at the will and pleasure of the president, the finding by the hearing officer that the dismissal of the appellee was wrongful which the trial court confirmed, finds support in the evidence. On the other hand, the appellant believes that the Ministry of Labor lacks subject matter jurisdiction to entertain the appellee's complaint because the appellee is a Presidential appointee. The appellant also argued that the award of twenty-four months affirmed by the trial court was contrary to the weight of the evidence. We shall now examine the records to determine whether the trial court lacks subject matter jurisdiction and whether the award granted by the hearing officer finds support in the evidence.

As stated herein, *supra*, the evidence produced by the parties does not dispute the fact that the appellee gained her employment with the appellant through the board of directors of the appellant and not by a presidential appointment. Accordingly, an employee of this nature in a corporation like the appellant is definitely and undoubtedly subject to the provision of the *Decent Work Act of 2015*. Therefore, wrongful or illegal dismissal involving such an employee is covered under the said Act's provisions. More specifically, the appellee herein, not been a presidential appointee but rather an employee for an indefinite time and not having been held for the breach of any duty, could not legally be dismissed based upon a purported Presidential Directive. Her dismissal, therefore, is wrongful, and the trial judge was not in error when she confirmed the hearing officer's ruling.

We should now examine whether the award finds support in the evidence. First, it is undisputed that the appellee served the appellant for nine years when the appellant wrongfully dismissed her. Accordingly, the lower court concluded that the appellee was entitled to the full and the entire twenty-four months granted by the law in lieu of reinstatement. The lower court supports the maximum award of twenty-four months on the basis that the appellant dismissed the appellee to avoid pension and severance payments.

While we are inclined to agree with award confirmed by National Labour Court under the given facts and circumstances of this case, however, we are keen to note that the National Labour Court’s rationale that the appellant dismissed the appellee in order to avoid payment of pension is unpersuasive in so far as the law controlling in this jurisdiction relating to retirement benefits or pensions is concerned. Section 22.1 of the *Decent Work Act (2015)* provides that all employers who are registered with the National Social Security and Welfare Corporation (NASSCROP) and are in compliance with their obligations are exempt from payment of retirement benefits to former employees whose services are either terminated or who are regularly retired. This is because all such payment obligations are referred to the NASSCROP. *The Management of Firestone Liberia, Inc. v. Her Honor Comfort S. Natt, Supreme Court Opinion, October Term, A. D. 2020* In the instant case, the records are void of any evidence tending to show that the appellant LPRC is not registered and compliant with its obligations under the NASSCROP's regulations relating to pension scheme administered by the latter. And it is the law that this Court can only

review records certified to it on appeal and not take evidence outside the certified records coupled with the *Civil Procedure Law Revised Code: 1:25.1,* which provides that "every court of the Republic shall without request take judicial notice of the Constitution and of the public statute and common law of the Republic", section 22.2 of the *Decent Work Act (2015*) becomes operative in this case as follows:

> "a) Subject to this section, an employer shall pay a retirement pension to an employee that retires from employment:
>
> b) at the age of 60 if the employee has completed at least fifteen years of continuous service with the employer; or
>
> d) at any age, if the employee has completed at least twenty-five years of continuous service with the employer."

The above-quoted provision of the *Decent Work Act* is clear and unambiguous, which therefore imposes a duty on this Court to give it no other meaning than its clear interpretation. It follows, therefore, that section 8.2(b) of the appellant's handbook, which reduces the retirement age of its employees from fifteen to ten years is in direct contravention of the statute. In the case, *Jackson F. Doe, Jr. v. His Honor Joseph N. Nagbe, Supreme Court Opinion, March Term, A.D. 2021,* we held that "… while this Court recognizes the authority of autonomous institutions such as the LPRC to promulgate policies for their smooth operation and administration, to include granting of gifts, awards, bonuses, and other emoluments to employees to include presidential appointees such as the appellant or a managing director, this Court as a guardian of the law in this jurisdiction cannot ignore or allow the contravention of the Constitution, statutory and case laws by such institutions, as was done in the present case." Therefore, we hold that section 8.2(b) of the appellant's handbook, inconsistent with section 22.2 of the *Decent Work Act (2015*), is void and of no legal effect in so far as the ten years provision of the handbook is concerned.

Notwithstanding our decision declaring null and void section 8.2(b) of the appellant's handbook to extent of its inconsistency with section 22.2 of the *Decent Work Act (2015),* considering the fact that the records before this Court is void of evidence showing that the appellant LPRC is compliant with section 22.1 of the said act, considering that this Court is not authorized by law to take evidence, and considering the facts and circumstances surrounding the wrongful dismissal of the

appellee by the appellant, we are inclined to affirm with modification the award of the Ministry of Labour confirmed by the National Labour Court. We therefore hold that facts and circumstances surrounding appellee's dismissal supports an application of compensation for fifteen months, that being her monthly salary of Six Thousand Five Hundred and Thirty-seven United States Dollars (US$6, 537.00) multiplied by fifteen months, making a grand total of Ninety Eight Thousand Fifty-five United States Dollars (US$98,055.00).

WHEREFORE, and in view of the foregoing, the trial court's final ruling is affirmed with the modification that the appellant pays to the appellee the amount of Ninety Eight Thousand Fifty-five United States Dollars (US$98,055.00) instead of One Hundred Fifty-Six Thousand Eight Hundred Eighty-eight United States Dollars (US$156,888.00). The Clerk of this Court is ordered to send a mandate to the court below commanding the judge presiding therein to resume jurisdiction over the case and enforce the Judgment of this Opinion. AND IT IS HEREBY SO ORDERED

When this case was called for hearing, Counsellors Kunkunyon Wleh-Teh and Jonathan T. Massaquoi of the International Law Group, in association with Counsellor Robert M. Beer, In-house Counsel, appeared for the appellant. Counsellor Emmanuel B, James of the International Group of Legal Advocates & Consultants, Inc. appeared for the appellee.