

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA
SITTING IN ITS MARCH TERM, A.D. 2026

BEFORE HIS HONOR : YAMIE QUIQUI GBEISAY, SR CHIEF JUSTICE
BEFORE HER HONOR : JAMESETTA H. WOLOKOLIEASSOCIATE JUSTICE
BEFORE HIS HONOR : YUSSIF D. KABA.....ASSOCIATE JUSTICE
BEFORE HER HONOR: CEANEH D. CLINTON-JOHNSONASSOCIATE JUSTICE
BEFORE HIS HONOR : BOAKAI N. KANNEH.....ASSOCIATE JUSTICE

Gibson Kokulo Yarmah of the City of Monrovia, Liberia)
.....Appellant)
Versus) APPEAL
His Honor Joseph Kollie, Judge, National Labor Court,)
Montserrado, County and the Management of Equatorial)
Palm Oil Company, City of Monrovia.....Appellee)
)
GROWING OUT OF THE CASE:)
Gibson Kokulo Yarmah of the City of Monrovia, Liberia)
..... Petitioner)
Versus) PETITION FOR JUDICIAL
His Honor Joseph Kollie, Judge, National Labor Court,) REVIEW
Montserrado, County and the Management of Equatorial)
Palm Oil Company, City of Monrovia.....Respondent)
)
GROWING OUT OF THE CASE:)
Gibson Kokulo Yarmah of the City of Monrovia, Liberia)
.....Complainant) UNFAIR LABOR PRACTICES/
Versus) WRONGFUL DISMISSAL
)
The Management of Equatorial Palm Oil Company,)
City of Monrovia..... Defendant)

Heard: January 13, 2026

Decided: May 20, 2026

MADAM JUSTICE WOLOKOLIE DELIVERED THE OPINION OF THE COURT

This appeal arises from a final ruling of the National Labor Court of Liberia, affirming a ruling of the Ministry of Labor's Hearing Officer that held the Management of Equatorial Palm Oil Company (EPO), appellee, not liable for wrongful dismissal and unfair labor practices in a complaint filed by its former employee, Mr. Gibson Kokulo Yarmah, appellant.

The facts as disclosed by the records indicate that the appellant, Mr. Gibson Kokulo Yarmah, was employed by the appellee as an Electrical Supervisor from January 2011 and served in that capacity until his dismissal in May 20, 2019. The precipitating event for the appellant's dismissal was the appellant's unexplained and unauthorized absence from the workplace beginning May 4, 2019, and extending for a period of sixteen (16) consecutive days, without any formal notification to, or excuse granted by the appellee's Management.

The appellant maintains that his prolonged absence was occasioned by a debilitating illness he suffered while on duty. He averred that he began to experience severe deterioration in his senses of hearing and sight which made him continually weak that he had previously sought treatment at the appellee's clinic for a period of seven (7) years without any meaningful improvement; that he communicated his condition to his immediate supervisor, Mr. Abu Jalloh, who had visited him at his home the first time he got sick and even facilitated his access to a traditional herbalist for treatment. According to the appellant, he completed his first treatment and thereafter returned to work, but subsequently in May 2019 he collapsed at work and his wife contacted Mr. Jalloh, who provided Sixty United States Dollars (US\$60.00) for the appellant to go and continue his herbal treatment. The appellant further testified that due to his worsening health situation, the traditional healer advised him to visit a clinic for an alternative treatment, and following his return from the traditional healer, he sought conventional medical attention at a hospital where he was diagnosed and treated for chronic typhoid and malaria. Upon his eventual return to work, he was presented with a letter of dismissal dated May 20, 2019. Predicated upon this dismissal, the appellant complained to the Ministry of Labor contesting that his dismissal was wrongful and sought the Ministry's intervention.

The appellee countered that on May 13, 2019, it had a formal letter delivered to the appellant, demanding that he furnish reasons why he had absented himself from work since May 4, 2019, and requiring him to write a written response no later than May 17, 2019; that the appellant, having received the letter, furnished no response; that it was only upon his failure to reply to the letter sent him, that a letter of dismissal dated May 20, 2019 was subsequently served on him. The appellee further asserts that the clinic maintained on the company's premises had no record of the appellant's alleged collapse at the work site, and that no emergency notification was made to the clinic which was the standard procedure for all on-site medical incidents. Appellee maintains that all actions taken were in strict compliance with the *Decent Work Act of 2015*.

At the investigation before the Ministry of Labor's Hearing Officer, the appellant presented two witnesses: himself and Mr. Moses Fallah, a driver previously assigned to him by the appellee.

The appellant testified as summarized above and Mr. Fallah corroborated that he observed the appellant's worsening physical condition and that the appellant's supervisor had visited him. However, Moses testified that Mr. Jalloh had advised the appellant to report to the appellee Management that he was ill.

The appellee presented two witnesses. Mr. Perry S. Dolo, the officer in charge of the appellee's clinic. Mr. Dolo outlined the standard protocols for handling employees that fall ill on the company's premises; that upon a report of an employee having collapsed or gotten injured at the job site, the clinic would immediately dispatch an ambulance to retrieve the employee for medical intervention. He testified that the clinic had no record or notification regarding the appellant's alleged collapse during the relevant period, and that no ambulance was ever dispatched for the appellant.

The appellee's second witness, Mr. John Tamba Eastman, an officer of the Human Resources Department, testified that the appellant had been on approved annual leave from March 2 to 14, 2019, but had been called back to duty during that leave, and had returned to the workplace for a period following his leave before going absent from May 3, 2019 onward without excuse or notification. He further confirmed that a letter was sent to the appellant on May 13, 2019, demanding an explanation for his absence but that the appellant did not respond to the letter.

At the close of evidence, the Hearing Officer ruled in favor of the appellee, finding EPO not liable for unfair labor practices or wrongful dismissal. The Hearing Officer's findings, relevant to this appeal, may be summarized as follows:

- (i). As a fact-finder in a labor investigation, the Hearing Officer assessed the credibility and weight of the evidence presented by both parties;
- (ii). The appellee caused a letter to be sent to the appellant on May 13, 2019, requesting reasons for his absence since May 4, 2019; the appellant failed to respond to this letter;
- (iii). The appellant had been granted annual leave from March 2 to 14, 2019, and had subsequently resumed work on March 16, 2019;

- (iv). A medical report from the Amusawyer Clinic, admitted as Exhibit C/3, showed that the appellant sought medical treatment for malaria and typhoid between May 18 and May 31, 2019, that is, fourteen (14) days after the commencement of his absence, thus raising serious doubt as to whether his absence during the preceding period was medically necessitated; and
- (v). The appellant's attendance records confirmed his unexcused absence from May 4 to 20, 2019, in contravention of Section 14.3(vii) of the *Decent Work Act of 2015*, which authorizes dismissal following ten (10) or more consecutive days of absence without good cause.

Following the Hearing Officer's ruling that the dismissal of the appellant was consistent with the Decent Work Act and therefore not wrongful, the appellant filed a petition for judicial review before the National Labor Court. In his petition, the appellant argued, among other things: that his supervisor's knowledge, and active guidance relating to his illness constituted management's implied knowledge and approval of his absence; that the appellee's failure to produce Mr. Abu Jalloh as a witness ought to have been held against it; that a mere written demand letter did not constitute the "fair internal procedure" required by Section 14.4(b) of the *Decent Work Act* before termination of employment; and that his illness constituted a valid "good cause" for his absence under Section 14.3(vii) of the said Act.

The National Labor Court, upon hearing of the argument and review of the full records of the file, affirmed and confirmed the ruling of the Hearing Officer. The Judge framed the dispositive issue as whether an employee's absence from work for more than ten (10) consecutive days, though with the knowledge of the employee's immediate supervisor but without the knowledge of the appellee's Management, constitutes lawful grounds for dismissal.

The National Labor Court answered in the affirmative, finding that the appellant's absence was without excuse from his employer; that no family member or representative ever formally notified the employer; that the appellant neither sought sick leave as required by Chapter 19.3(a) of the *Decent Work Act*, nor responded to management's demand for explanation of his absence, and that the records, particularly the medical exhibit by the appellant indicating the appellant's later treatment for typhoid and malaria, casted substantial doubt on his account of the timing and nature of his illness. The National Labor Court further applied the authority in the *Liberia Port Storage Company v. Jack Osabutey*, 33 LLR 506, 512 (1985), indicating that an employer may dismiss an employee who absents himself from job for ten (10) consecutive days without excuse. The Judge therefore ordered confirmation of the

Hearing Officer's ruling. It is the ruling of the National Labor Court Judge that the appellant has appealed and is now before this Court on an eleven (11)-count bill of exceptions.

The dispositive issue from the bill of exceptions and pertinent to this Opinion is : "Whether the National Labor Court committed reversible error in upholding the Hearing Officer ruling considering the facts and circumstances of this case?" Our answer is no.

The appellant's foremost contention is that the appellee failed to conduct a "fair internal procedure" before dismissing him, as mandated by Section 14.4(b) of the *Decent Work Act of 2015*, which provides: "In all cases, an employer shall implement a fair internal procedure before making a final decision whether to terminate an employee's employment". The appellant argues that a letter demanding an explanation for his absence does not fulfill this statutory requirement and that a formal hearing, at which he could have presented evidence, was constitutionally and statutorily obligatory.

We address the contention in the appellant's bill of exceptions that the May 13, 2019 letter was never served upon him and that there is no evidence on the records that he signed for or received it. While this Court acknowledges that the letter itself does not appear as a formally annexed exhibit on the records, we find this contention to be untenable in light of the appellant's own litigation history outlined in his bill of exception which we have produced in part below:

13. ... Petitioner submits and avers that throughout the investigation, it was never established that the plaintiff was ever given due process of law before terminating his employment. Unfortunately, in count two of the findings of the Hearing officer, he equated due process to the mere letter the management wrote to the Petitioner on May 13, 2019 demanding him to give reason to the Assistant Human resource Manager why he had not been coming to work and the fact that Mr. Gibson Y. Kokulo did not reply to the May 13, 2019 letter on or before May 17, 2019, the Hearing officer capture that as part of his findings which made him to find the Defendant/Management not liable for wrongful Dismissal. The Hearing officer decision to consider a mere letter demanding for explanation as due process is erroneous and does not conform to the Labor statute to which Petitioner Excepts.

14. Further, Mr. John Tamba, HR Assistant made it clear during his testimony that the management did not conduct internal procedure before making a final decision to terminate the employment of Mr. Gibson. This admission operates against the EPO management of being in violation of section 14.4(b) as well as the opinion of the Supreme Court of Liberia as found in the case: Wolo vs. Wwolo, 5LLR, 423, SLY 2 and 5. The mere letter written to the petitioner to give reason for not coming to work for 16 consecutive days is not the internal investigation the statute is talking about. In fact,

Wolo vs. Wolo 5LLR, 423 sly 5, this law clearly defined what kind of internal investigation the employee must be subjected to before termination of his Employment...

15. Further, after the management communicated to Mr Gibson to give reasons why he had not been reporting to work, due process required that he should have been given the opportunity to appear before a team of investigators where he will have the opportunity to present evidence as why he had been absent; however, if such opportunity was accorded him prior to termination, he would have pointed to his immediate Boss as the person who he told about his illness and there would be no justification to terminate his employment if he established at the internal investigation that his immediate Boss was informed and he was in communication with him. Despite the failure of the Defendant management to follow due process of law consistent with section 14.4(b) of the Decent Work Act of 2015, the hearing officer ruled against Petitioner erroneously for which Petition for Judicial review is filed for this court to review the irregularities of the Hearing officer.

This Court has consistently affirmed that a dismissal undertaken without any internal procedure is arbitrary and wrongful. *Management of Access Bank Liberia v. Joseph Kollie et al.*, Supreme Court Opinion, October Term A.D. 2025; *Management of Sethi Bros. v. Jenteh*, Supreme Court Opinion, March Term A.D. 2021; *Sayeh v. Liberia Telecommunications Authority*, Supreme Court Opinion, October Term A.D. 2016; *LOIC v. Williams*, 42 LLR 275, 285 (2004). We reaffirm this principle herein. The right to due process before an adverse determination is further grounded in Article 21(a) of the *Constitution of the Republic of Liberia*, 1986, which prohibits the deprivation of a person's rights except as the outcome of a hearing judgment consistent with the provisions laid down in this Constitution and in accordance with due process of law.

The decisional question in this case however is not whether due process was required; rather, the question is whether under the facts and circumstances, due process as required under the law was mandatory. The modality of the procedural guarantee may be shaped by the facts, circumstances and law relating to each case. In the case at bar, the appellee absented himself from work for sixteen days without given an excuse to the appellee, his employers. The law provides for summary dismissal where an employee is absent from work consistently for ten days without an excuse. The appellant does not deny that he was absent from work for sixteen days without a formal notice to the appellee

Section 14.3(vii) of the *Decent Work Act of 2015* provides that an employer shall dismiss an employee who has been absent from work for more than ten (10) consecutive days or more than twenty (20) days over a period of six (6) months without good cause or explanation. Said

act by an employee constitutes summary dismissal and is clearly distinguishable from section 14.3 of the Decent Work Act which requires a formal investigation, and therefore the case, *Wolo v. Wolo*, 5 LLR 423 (1936), cited by the appellant is not applicable to this case at bar.

Moreover, although the appellee wrote the appellant in giving him a reasonable opportunity to respond to his absences from work, the employee, without any justification, elected not to respond or show up at work. He avers that his immediate supervisor knew that he was sick and that constituted notice to the appellee Management.

This claim of the appellant that the appellee Management approval through his supervisor was not supported by the evidence. The only direct testimony on this issue came from the appellant himself, a testimony this Court treats as self-serving and, standing alone, and therefore legally insufficient to constitute corroboration. The appellant's second witness, Mr. Moses Fallah, notably did not testify that management had approved or was aware of the appellant's absence. To the contrary, Mr. Fallah's testimony was that the supervisor had advised the appellant to go to the office and formally report to management that he was ill, an instruction the appellant manifestly did not follow. This testimony, from appellant's own witness, fortifies the appellee's position that the appellee Management was never properly notified.

Furthermore, we observe also that the contention of non-service was not raised in any count of the appellant's petition for judicial review before the National Labor Court. It appears for the first time in the bill of exceptions brought before this Court on appeal. This Court has long and consistently held that issues not raised at proceedings below cannot be raised anew before this Court on appeal. *Pratt v. Milton*, Supreme Court Opinion, March Term A.D. 2017; *Insurance Company of Africa v. Fantastic Store*, 32 LLR 366, 384 (1984); *Intrusco v. Osseiley*, 32 LLR 558, 568 (1985). This Court holds that non-service of the letter of May 13, 2019 on the appellant cannot overturn the appellant dismissal where a letter from an employer is not a prerequisite for dismissing an employee who has absented himself from work for more than ten days without an excuse. The letter to the appellant gave him the opportunity to give his excuse of being sick but he waived the opportunity when he did not respond to the letter.

The appellant further contends that the Hearing Officer committed reversible error in denying the appellant's application to subpoena his immediate supervisor, Mr. Abu Jalloh, to testify at the investigation. He argues that Mr. Jalloh was a crucial witness whose testimony was indispensable to establishing management's knowledge of his illness, and that the denial of the subpoena deprived the investigation of critical facts.

The records reveal a fact unfavorable to the appellant's contention: the application to subpoena Mr. Jalloh was made after both parties had completely rested their cases, which was after the evidentiary phase of the proceedings formally concluded and the matter had moved toward final arguments. This is not a mere procedural technicality; it goes to the heart of fundamental litigation discipline under the Civil Procedure Law of Liberia, which provides the supplementary procedural framework governing labor investigations. A party bears the obligation to present all relevant witnesses in support of its case during its case-in-chief. Where a party fails to do so and subsequently seeks to introduce testimony after having formally rested, that party has, by the operation of the procedural rules, waived the right to that testimony.

The appellant's legal counsel had the full benefit of the proceedings and the opportunity to subpoena Mr. Jalloh at any time prior to the rest of the appellant's case. Having not availed themselves of that opportunity, the appellant cannot now seek to blame the Hearing Officer for its absence from the record. This Court reaffirms the principle that courts will not do for a party what that party was required to do for itself. *Sio v. Sio*, 35 LLR 92, 97 (1988); *LAMCO J.V. Operating Co. v. Azzam et al.*, 31 LLR 649, 668 (1983); *Tozoe v. Republic*, 22 LLR 113, 117 (1973). This ground of appeal is denied.

This Court accepts that illness, in appropriate circumstances, may constitute a good cause for an employee's absence. However, the assertion of illness as a justification for extended absence does not automatically satisfy the statutory standard; the cause must be verifiable, credible, and communicated to the employer. The language of the statute and the corresponding provisions of Chapter 19.3 (a), requires an employee to give an employer as much notice in advance as possible that they intend to exercise an entitlement to paid sick leave, collectively make clear that the good cause exception is not self-executing. It requires both the existence of a legitimate excuse and the timely communication of that excuse to the employer.

In the case at bar, the appellant's illness narrative is beset with inconsistencies that were never satisfactorily resolved before the Hearing Officer or the National Labor Court, and which were not resolved even before this Court during argument of the case. The records raise the following unanswered concerns:

- (a). The appellant claims to have collapsed at the work site in May 2019, and yet no notification was ever made to the company's on-site medical clinic, which maintained

an emergency response protocol for exactly such occurrences. The absence of any clinic record of this alleged collapse is unexplained;

- (b). The appellant did not seek any documented conventional medical attention until May 18, 2019, fourteen (14) days after his absence commenced. The medical certificate from Amusawyer Clinic confirming treatment for typhoid and malaria therefore does not account for the preceding period of absences; and
- (c). The appellant produced no other employee present at the work site at the time of his alleged collapse, and his account was not corroborated by any independent witness.

In view of these evidentiary deficiencies, this Court agrees with the findings of the courts below that the appellant's claim of illness as a good cause for his absence is not established by the evidence in the records. It is a foundational principle of law that a bare assertion, uncorroborated and contradicted by circumstantial evidence, cannot sustain a burden of proof. See *generally*, *LOIC v. Williams*, 42 LLR 275 (2004). We so hold.

In summary, the appellant has failed to establish any of the grounds of reversible error alleged in the pertinent counts of his bill of exceptions. The National Labor Court properly affirmed the Hearing Officer's findings that the appellee followed fair internal procedure prior to the dismissal; that the appellant's failure to respond to the show-cause letter constituted a waiver of further due process entitlements; that the denial of the subpoena application was procedurally sound, and that the appellant's absence was not supported by credible evidence of good cause under the statute.

WHEREFORE AND IN VIEW OF THE FOREGOING, this Court holds that the judgment of the National Labor Court confirming the Hearing Officer's ruling that the appellant was not wrongfully dismissed by the Management of Equatorial Palm Oil Company is hereby affirmed. The Clerk of this Court is directed to send a Mandate to the National Labor Court, commanding the judge therein to enforce its judgement. Costs are assessed against the appellant. AND IT IS HEREBY SO ORDERED.

WHEN THIS CASE WAS CALLED FOR HEARING, COUNSELLOR WELLINGTON G. BEDELL, SR. OF THE GARLAWOLU AND ASSOCIATES LAW OFFICES APPEARED FOR THE APPELLANT. COUNSELLORS FRANK F. NIMLEY AND DIXON N. DOE OF THE PIERRE, TWEH AND ASSOCIATES, INC. APPEARED FOR THE APPELLEE.