IN THE HONOURABLE 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. WOLOKOLIE............... ASSOCIATE JUSTICE
BEFORE HIS HONOR : YUSSIF D. KABA ....ASSOCIATE JUSTICE
BEFORE HER HONOR: CEAINEH D. CLINTON-JOHNSON.........ASSOCIATE JUSTICE
BEFORE HIS HONOR : BOAKAI N. KANNEH ....ASSOCIATE JUSTICE

The Liberia Petroleum Regulatory Authority and by and thru its Director General, Archie N. Donmo and other authorized Officers and representatives under its employ also of the City of Monrovia, Liberia .... Appellant Versus Joseph A. Flomo of the City of Monrovia, Republic of Liberia .... Appellee	Appeal

GROWING OUT OF THE CASE:

Joseph A. Flomo of the City of Monrovia, Republic of Liberia .... Petitioner Versus The Liberia Petroleum Regulatory Authority and by and thru its Director General, Archie N. Donmo and other authorized Officers and representatives under its employ also of the City of Monrovia, Liberia .... Respondent	Petition for Judicial Review

GROWING OUT OF THE CASE:

Joseph A. Flomo of the City of Monrovia, Republic of Liberia .... Complainant And The Liberia Petroleum Regulatory Authority and by and thru its Director General, Archie N. Donmo and other authorized Officers and representatives under its employ also of the City of Monrovia, Liberia .... Defendant	Unfair Labour Practice/Wrongful Dismissal

Heard: June 8, 2026 Decided: AUGUST 27, 2026

MR. JUSTICE KABA DELIVERED THE OPINION OF THE COURT.

This appeal arises from a judgment of the National Labor Court that reversed the ruling of the Hearing Officer of the Ministry of Labor and found the appellant, the Liberia Petroleum Regulatory Authority ("LPRA"), liable for unfair labor practice and for the wrongful dismissal of the appellee, Joseph A. Flomo. The facts and circumstances giving rise to this appeal, as disclosed by the records certified to this Court, are set forth below.

The records reveal that on September 17, 2021, the appellant dismissed the appellee from its employ. In the letter of dismissal, the appellant stated that it was terminating the appellee's services for sharing its sensitive and confidential information without authority, consultation, authorization, or approval — conduct which, according to the appellant, violated Section 7(b) of the appellant's Personnel Policy on confidentiality and Section 14.3(viii) of the Decent Work Act of 2015. Those provisions state, in relevant part:

> *Section 7(b) of the Authority's Personnel Policy:*
> "An employee shall keep the operations and dealings of the Authority confidential and shall not make public or press statements where the subject matter is concerned with the Authority or any of its businesses without prior clearance with the Director General. An employee shall also not engage in any activities that endanger the confidentiality of the trade secrets of the Authority."
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> *Section 14.3(viii) of the Decent Work Act of 2015:*
> "viii) an employee has breached their obligation to protect and keep secure confidential information of their employer, provided that an employer may not terminate an employee's employment on this ground if the employee released the confidential information in order to: (1) expose serious misconduct or wrongdoing by the employer; or (2) protect the public interest."

After receiving the dismissal letter, the appellee filed a complaint with the Ministry of Labor, alleging wrongful dismissal and an unfair labor practice. After a hearing, the Hearing Officer found the appellant not liable on either charge. Nevertheless, the Hearing Officer ordered the appellant to pay the appellee US$1,710.00, representing a seventeen-month salary differential.

Dissatisfied with that ruling, the appellee petitioned the National Labor Court for judicial review. In his petition, the appellee averred that he was dismissed for allegedly disseminating confidential information, particularly the appellant's payroll. He contended that, in the proceedings before the Hearing Officer, the appellant failed to prove that he had shared any confidential information; that the appellant's first and second witnesses testified only that one Mr. N. Rufus Scott had informed the Human

Resources Department that the appellee had shared the payroll with employees of the WATCH Commission and LIBTELCO; and that neither witness was present when the payroll was allegedly disclosed. The appellee maintained that the Hearing Officer failed to consider the inconsistencies in the testimonies of the appellant's witnesses, whose evidence rested largely on hearsay rather than personal knowledge, and likewise failed to consider the numerous complaint letters he had written concerning administrative wrongs committed against him by the appellant, particularly the misclassification of his position, which had resulted in his being underpaid.

The appellee further contended that the actual salary variance for the period from April 1, 2019, through May 2021 was US$4,940.00, calculated at a monthly differential of US$190.00, rather than the US$1,710.00 awarded by the Hearing Officer. He argued, moreover, that even if he had disclosed confidential information, the law permits such disclosure to expose serious misconduct or wrongdoing by the employer; according to the appellee, he had consistently complained of being underpaid due to the misclassification of his position, a fact admitted by the appellant itself. Finally, the appellee averred that the Hearing Officer's ruling was internally inconsistent and failed to address the substantive issues raised before him: while awarding the appellee US$1,710.00 for salary variance, the Hearing Officer simultaneously held the appellant not liable, despite recognizing that the Authority had underpaid the appellee. The appellee, therefore, prayed that the Hearing Officer's ruling be reversed and that the appellant be held liable for wrongful dismissal.

In response, the appellant filed an eight-count return, averring, among other things: (1) that its decision to dismiss the appellee was based on the appellee's unauthorized possession and disclosure of the appellant's confidential information, in violation of Section 14.3(viii) of the Decent Work Act of 2015 and Section 7(b) of its Personnel Policy; (2) that it conducted an administrative hearing in accordance with the Decent Work Act, thereby affording the appellee due process; (3) that, upon conclusion of its investigation, it made every reasonable effort to serve the appellee with the Investigative Committee's Report, but the appellee failed to respond to text messages and telephone calls intended to effect service of the report and to enable him to exercise his right of appeal under the Personnel Policy; (4) that there is no legal basis for the appellee's claim of US$4,940.00 in salary variance beyond the US$1,710.00 reflected in the Irrevocable Voluntary Stipulation and awarded by the Hearing Officer; and (5) that the appellee's testimony failed to establish any serious misconduct or wrongdoing on the part of the appellant sufficient to justify his disclosure of the payroll, which the Authority characterized as highly confidential. The Authority accordingly prayed that the petition for judicial review be denied and dismissed.

In reply, the appellee denied ever sharing any confidential document or payroll information with third parties, particularly employees of the WATCH Commission or LIBTELCO, as alleged by the Authority. He further asserted that he was never served with the Investigative Committee's Report, notwithstanding the appellant's obligation to serve him so as to afford him an opportunity to appeal; and he noted that the Authority failed to produce any text messages, WhatsApp messages, Messenger communications, or other evidence showing any attempt to contact him for service of the report. The appellee reaffirmed that the amount of US$4,940.00 represented the salary variance owed to him and reiterated all of the allegations contained in his petition.

After hearing arguments from both parties and reviewing the records, the National Labor Court reversed the Hearing Officer's ruling and found the appellant liable for wrongful dismissal and unfair labor practice. The trial judge found, among other things, that the Authority failed to produce any witness from either the WATCH Commission or LIBTELCO to establish that the appellee had disclosed the payroll to third parties, and that the appellant failed to produce payroll records sufficient to rebut the appellee's claim that US$200.00 had been improperly deducted from his salary for seventeen months. The trial court accordingly awarded the appellee US$3,400.00, representing seventeen months of salary variance arising from the misclassification of his position; ordered that the appellee be reinstated or, in lieu thereof, be paid nine months' salary at the rate of US$600.00 per month for wrongful dismissal; and awarded one additional month's salary in lieu of notice for a stated total award of US$10,000.00.

Dissatisfied with the judgment of the National Labor Court, the appellant noted exceptions and perfected an appeal to this Court in accordance with Section 51.4 of the Civil Procedure Law. In its fourteen-count bill of exceptions, the Authority contends:

1. That the trial judge erred in granting the appellee's petition for judicial review and in finding the appellee was wrongfully dismissed;
2. That the trial judge incorrectly concluded that the appellee's actions were undertaken to exercise a legitimate employment right;
3. That the trial judge erred in finding that the appellant failed to address the appellee's salary complaint before the payroll was disclosed, when the record shows that the appellee already possessed the payroll before he interposed his complaint of salary discrepancy;
4. That the trial judge ignored evidence showing that the appellee admitted obtaining the payroll after being entrusted with the keys to the office of the Deputy Director General for Administration, whereupon, according to the appellant, the burden shifted to the appellee to explain how third parties learned that the payroll was in his possession if, as he claims, he never disclosed it;
5. That the trial judge improperly characterized the testimony of all of the appellant's witnesses as hearsay and failed to consider applicable exceptions to the hearsay rule, as well as the circumstantial evidence allegedly showing that the appellee disclosed the payroll to third parties;
6. That the trial judge erred in awarding the appellee US$3,400.00 for seventeen months of salary arrears at US$200.00 per month, when, according to the appellant, the parties had agreed that the salary variance was only US$1,710.00; and
7. That the award of nine months' salary for wrongful dismissal was erroneous because the evidence established that the appellee breached the appellant's confidentiality rules and was lawfully dismissed in accordance with applicable law and policy.

From the contentions raised by the parties in their respective pleadings, and arising out of the ruling of the Hearing Officer as reversed by the trial court, we distill the following two issues for the disposition of this appeal:

1. Whether the appellant proved that the appellee breached Section 7(b) of its Personnel Policy on confidentiality and Section 14.3(viii) of the Decent Work Act, thereby justifying the appellee's dismissal.

2. Whether the award granted by the trial court is justified by the facts and circumstances of this case.

We shall address these issues in the order presented.

In addressing the first issue, we begin with the legal framework. The statutory and policy provisions upon which the appellant relies to justify the dismissal, quoted *supra*, plainly authorize an employer to dismiss an employee who, without justification, discloses information or documents deemed confidential by the employer. Section 14.3(viii) of the Decent Work Act thus recognizes breach of confidentiality as a lawful ground for dismissal. Before an employer may invoke the provision, however, it must establish that: (1) the information was genuinely confidential; (2) the employee owed a duty to protect it; (3) the employee disclosed or failed to safeguard it; and (4) the disclosure constituted a breach of that obligation.

For present purposes, the most significant aspect of Section 14.3(viii) is the proviso appended to the general rule. The statute expressly forbids termination when confidential information is disclosed for either of two protected purposes: (1) to expose serious misconduct or wrongdoing by the employer; or (2) to protect the public interest. The first exception shields employees who disclose confidential information to reveal unlawful, fraudulent, unethical, or otherwise improper conduct by their employer; the legislative intent is to prevent employers from invoking confidentiality rules as a shield against accountability. The second exception protects disclosures intended to safeguard the public interest; for example, disclosures exposing conduct that threatens public safety, public funds, or regulatory compliance, provided that the employee's conduct is motivated by a legitimate public interest.

In this case, the appellant alleges that the appellee improperly disclosed payroll information. Therefore, the burden rested on the appellant to establish that: (1) the payroll information was confidential; (2) the appellee disclosed it; (3) the disclosure was unauthorized; and (4) the disclosure fell within neither statutory exception.

The law in this jurisdiction is well settled that the burden of proof rests upon the party asserting the affirmative of an issue, except where the subject matter of a negative averment lies peculiarly within the knowledge of the opposing party, in which case the averment is deemed true unless disproved by the party possessing such knowledge. Civil Procedure Law, Rev. Code 1:25.5(1). Accordingly, every party alleging the existence of a fact must establish that fact by a preponderance of the evidence. It is equally settled that the best evidence which the nature of the case admits must be produced, and that no evidence is sufficient which presupposes the existence of better evidence. See *Forestry Development Authority v. Walters et al.*, 34 LLR 777 (1988).

With these principles in view, we turn to the evidence presented to the Hearing Officer and later reviewed by the trial judge. The appellee testified on his own behalf. He stated that he was initially employed by the appellant as a Security Supervisor and was later assigned to the position of Maintenance Technician II, which he regarded as equivalent in rank to the Security Supervisor position; he also served as Maintenance Supervisor pursuant to a letter retroactively effective April 1, 2019. The appellee further stated that while serving as Security Supervisor, he was informed by the Human Resources Department that management intended to change his position and increase his salary; however, upon receiving the letter appointing him Maintenance Technician II, he observed that the letter maintained the same salary and benefits as his previous position, whereupon he wrote to management seeking clarification of his salary and benefits. Management subsequently informed him that his new position fell within Grade IV. Dissatisfied with that classification, he referred management to his earlier appointment as Security Supervisor and to the appellant's Personnel Policy, which classifies supervisory positions within Grade B-III, and maintained that, under the grading structure, he should have been compensated at the B-III level. The appellee further testified that while awaiting management's response, he was presented with a document titled "Irrevocable Voluntary Stipulation" and asked to sign it. Acting on the advice of counsel, he declined to execute it. He further testified that he was then threatened with dismissal if he refused to sign the document. He also testified that while on duty, he was instructed by the Deputy Director General for Administration to collect and remove old newspapers from the latter's office, and that in the course of that assignment, he discovered a copy of the appellant's payroll. According to the appellee, he subsequently submitted the payroll to the Human Resources Department and filed a complaint with the Chairperson of the Board regarding the discrepancy in his salary and classification. He received no response to his complaint. Thereafter, during the COVID-19 period, he was placed on leave. While on leave, he was summoned by the appellant and served with the letter dismissing him from employment.

For its part, the appellant produced three witnesses. The Authority's first witness, Ms. Mandy Dorene McGee, testified that the appellee was employed as a Security Supervisor, a position erroneously classified as Grade B-3. She explained that, because of inconsistencies between the job description and the payroll system, the appellee was compensated as a Grade B-4 employee rather than a Grade B-3 employee for 17 months. Upon discovering the error, the Human Resources Committee, with the approval of senior management, adjusted the appellee's position to Maintenance Technician II, which was properly recognized within Grade B-4. Ms. McGee further testified that, following the reclassification, the appellee filed a formal complaint contending that, as a former Grade B-3 employee, he had been underpaid and was entitled to a salary variance of US$1,710.00; that the appellant acknowledged the error and sought to rectify it, in consequence of which an "Irrevocable Voluntary Stipulation" was prepared for the appellee's signature; and that the appellee declined to execute the stipulation. The witness stated that she informed the Deputy Director General for Administration of the appellee's refusal to sign and was subsequently informed that the appellee had elected to waive the money owed to him; she heard nothing further regarding the matter until June 4, 2021. On that date, she testified, she was in the Technical Services

Department with Petroleum Engineer Urias T. Taylor, General Services Officer Zwannah E. Washington, and Petroleum Geologist N. Rufus Scott, when Mr. Scott left the group for approximately fifteen minutes and, upon his return, informed them that the appellee had leaked the appellant's payroll and that employees of the WATCH Commission had seen it. She thereafter attempted to obtain clarification from the appellee by telephone, but he declined to discuss the matter. Subsequently, the appellee came to her office and presented an envelope containing a complaint letter, a copy of his employment letter, a copy of his compensation letter, and a copy of the appellant's July 2020 payroll. Ms. McGee testified that she immediately submitted the documents to Mr. Matthew D. Jallah, Deputy Director General for Administration, and that the matter was thereafter referred to the Director General. According to the witness, when first questioned regarding the payroll, the appellee stated that he had obtained it from Mr. Jallah; during the ensuing investigation, however, he stated that he had discovered the payroll while removing newspapers from Mr. Jallah's office pursuant to instructions. Ms. McGee concluded that, following the investigation, a report was submitted to the Director General, upon whose authority the appellee was dismissed.

The appellant's second witness, Mr. Matthew D. Jallah, testified that the appellee had originally been recommended for employment as a Maintenance Supervisor but, because no vacancy then existed in the maintenance department, was instead employed as a Security Supervisor. He stated that management later reassigned the appellee after determining that he was not performing satisfactorily in that role, concluding that the appellee and another employee would be better utilized in technical positions; the appellee was accordingly designated Maintenance Technician II, and the other employee Maintenance Technician. Mr. Jallah further testified that the appellee subsequently filed a complaint concerning his salary and classification; that management reviewed the complaint, acknowledged a salary discrepancy, and prepared a written stipulation documenting the amount owed to the appellee. The witness further stated that the appellee requested the keys to his office to remove newspapers for storage in the warehouse, and that he provided them without hesitation. A day or two later, Mr. N. Rufus Scott informed him that the appellee had printed the payroll and disclosed it to employees of the WATCH Commission. Based on that information, the Director General ordered an investigation, which ultimately concluded that the appellee had breached the appellant's confidentiality policy.

The appellant's third witness, Atty. Goll, the appellant's General Counsel, testified that the appellee was initially employed as a maintenance officer but that his position had been misclassified by the Human Resources Department, in consequence of which he did not receive the compensation to which he was entitled under the Authority's salary structure. Atty. Goll testified that after realizing he had been underpaid, the appellee filed a complaint with him in his capacity as General Counsel; that following a review and independent investigation, he concluded that even after the appellee's reclassification, the appellee remained entitled to an additional salary differential; and that management accordingly prepared a stipulation acknowledging its indebtedness to the appellee. The witness further testified that the appellee refused to sign the stipulation because it contained a provision that payment would be made only when the appellant's economic condition improved, and that the appellee never executed the stipulation prior to his dismissal. Finally, Atty. Goll testified that the appellee was dismissed for obtaining unauthorized possession of the appellant's payroll.

A careful examination of the evidence summarized above leads us to the unavoidable conclusion that the appellant had the appellee dismissed for an alleged distribution of the appellees' payroll to other organizations and had violated the confidentiality of the appellant which required his dismissal under section 14.3 (viii) of the Decent Work Act which provides that an employee who breaches their obligation to protect and keep secure confidential information of their employer may be dismissed, provided however, that an employer may not terminate an employee's employment on this ground if the employee released the confidential information in order to: (1) expose serious misconduct or wrongdoing by the employer; or (2) protect the public interest.

We note that the legitimacy of the appellee's grievance was corroborated by the Authority's own witnesses. Ms. McGee admitted that the appellee's position had been improperly classified and that the misclassification resulted in compensation discrepancies. Mr. Jallah acknowledged that management recognized an indebtedness owed to the appellee. Most importantly, Atty. Goll testified that after conducting an independent investigation, he concluded the appellee was entitled to additional compensation and advised management accordingly; that appellant's management itself prepared an "Irrevocable Voluntary Stipulation" to settle the compensation dispute. The appellee declined to execute the document, upon the advice of counsel, because it conditioned payment on the appellant's future economic condition. These admissions constitute compelling evidence that the appellee's complaint concerning his classification and salary was well-founded as there is nothing improper in an employee's refusal to execute a settlement agreement that he reasonably believes does not adequately protect his interests. Such refusal therefore cannot constitute misconduct.

However, the allegation that the appellee had come across the appellee's payroll and the allegation that he had violated the appellant's policy when he was alleged to have distribute same to WATCH and LIBTELCO is of concern. For the appellee to be covered under the exceptions of misconduct under 4.3(viii) of the Decent Work Act, there should have been evidence establishing that the appellant went beyond exposing the serious misconduct or wrongdoing of the appellant; that is, the appellee had used information gathered from the payroll that was unrelated to his contention of under payment and had used the exposure of the email to reveal unlawful, fraudulent, unethical, or otherwise improper conduct of the appellant; that he had used the payroll with the intent of exposing general confidential information of the appellant's employees. The appellee if had exposed the entire Agency's payroll to the public, his conduct would constitute the intentional and harmful breach of confidentiality contemplated by Section 7(b) of the Authority's Personnel Policy, and would not have been in the protective exception embodied in Section 14.3(viii) of the Decent Work Act.

The issue that the appellee came upon the payroll in the performance of his duties was confirmed and took same was confirmed during the hearing; however, the appellant alleged that when the appellee came across the payroll, he took same and had it distributed and disclosed to third parties, thereby, revealing the salaries of all employees of the appellant's entity. This conduct warranting a dismissal should have been firmly established by the appellant at the hearing. However, neither Mr. N. Rufus Scott, who allegedly reported the disclosure, nor any employee of the WATCH Commission or LIBTELCO who purportedly received the payroll from the appellee was brought to testify during the proceedings. The appellant's witnesses merely repeated statements attributed to others; their testimony concerning the actual disclosure was therefore based upon hearsay rather than personal knowledge, and the circumstantial assertions offered in its stead are insufficient to satisfy the burden of proof required to justify a dismissal grounded in misconduct.

The appellant not having provided the evidence needed to prove that the appellee did disclose the appellant's payroll outside of the Agency, when a according to the appellee he only submitted the payroll to the Human Resources Department and filed a complaint with the Chairperson of the Board regarding the discrepancy in his salary and classification, his dismissal was unlawful, especially considering that the records show that the dispute between the parties intensified only after the appellee challenged his salary classification, rejected the settlement agreement prepared by management, and continued to pursue formal complaints about his compensation. These circumstances lend substantial credence to the appellee's contention that the alleged breach of confidentiality was merely a pretext for terminating an employee who insisted on his proper salary payment due him in accordance with his contractual and statutory rights.

Accordingly, we hold that the appellant failed to prove by substantial evidence that the appellee committed a dismissible offense under either Section 7(b) of its Personnel Policy or Section 14.3(viii) of the Decent Work

Act. On the contrary, the evidence establishes that the appellee was pursuing a legitimate complaint regarding admitted salary irregularities, and as he stated, his disclosure was made to department of the entity itself when he submitted the payroll to the Human Resources Department and filed a complaint with the Chairperson of the Board affirming his contention of the discrepancy in his salary and classification. Under these circumstances, the statutory exception in Section 14.3(viii) applies and precludes termination based on the alleged disclosure.

The records having failed to prove that the appellee did expose the agency's payroll to other institutions as alleged by the appellant, and it having been established that the appellee was pursuing a legitimate cause when he submitted the appellant's payroll to the Human Resource Department and the Board of Director of the appellant, the act of the appellee falls within the exception of the above quoted statute; hence, his dismissal was illegal. We therefore affirm the trial court's determination that the appellee's dismissal was without just cause and constituted wrongful dismissal.

Turning to the second issue, the records show that the trial judge found the appellant failed to produce payroll records or any other competent evidence to rebut the appellee's claim that US$200.00 had been improperly deducted from his salary for seventeen months. The appellee, for his part, introduced payroll records substantiating his contention that he suffered a monthly salary variance of US$200.00 during the relevant period. The trial court accordingly awarded the appellee US$3,400.00, representing seventeen months of salary variance resulting from the appellant's admitted misclassification and underpayment of the appellee. The trial court further determined that the appellee had been wrongfully dismissed and, in accordance with established labor law principles, ordered his reinstatement or, in lieu thereof, the payment of nine months' salary at the rate of US$600.00 per month, amounting to US$5,400.00, together with one month's salary of US$600.00 in lieu of notice.

This Court has consistently held that when wrongful dismissal is established, the courts may order reinstatement or, if reinstatement is impracticable or inequitable, award reasonable compensation in lieu. See USTC v. Sackie, 42 LLR 243 (2004). The National Labor Court likewise has authority to affirm, modify, reverse, or remand a final ruling brought before it whenever the interests of justice so require. See Roberts International Airport v. Board of General Appeals, [1988] LRSC 95; 35 LLR 637 (1988). In the present case, the appellee rendered years of service to the appellant before his dismissal; the evidence established that he was underpaid due to the appellant's admitted classification error; and his dismissal was unsupported by substantial evidence. Under these circumstances, we are satisfied that the remedies awarded by the trial court are reasonable and consistent with the remedial objectives of the Decent Work Act.

We observe, however, that the computation of the monetary award be correction. The award of US$3,400.00 for salary variance, together with US$5,400.00 for nine months' salary and US$600.00 in lieu of notice, totals US$9,400.00, not US$10,000.00 as stated in the judgment. Accordingly, the award by the National Labor Court not being in consonance with the method as provided by the DWA, same is hereby modified so that the appellant pays to the appellant the amount of United States Nine thousand Four hundred Dollars (US$9,400.00).

WHEREFORE, AND IN VIEW OF THE FOREGOING, the final ruling of the National Labor Court reversing the ruling of the Hearing Officer is hereby affirmed, with the modification as stated above. The Clerk of this Court is hereby ordered to send a Mandate to the court below, commanding the National Labor Court to resume jurisdiction over this matter and give effect to the judgment of this Opinion. Costs are ruled against the appellant. AND IT IS HEREBY SO ORDERED.

WHEN THIS CASE WAS CALLED FOR HEARING, COUNSELLOR J. JOHNNY MOMOH APPEARED FOR THE APPELLANT. COUNSELLOR SAMUEL S. PEARSON APPEARED FOR THE APPELLEE.