

CHIEF JUSTICE
SUPREME COURT OF LIBERIA



JUDICIAL BRANCH
TEMPLE OF JUSTICE
MONROVIA, LIBERIA

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA
SITTING IN ITS OCTOBER TERM, A.D. 2022

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

Fredrick Kromah et al., of the City of Monrovia,
Republic of Liberia.....Appellants)

Versus)

Bea Mountain Mining Company, of the City
of Monrovia, Liberia.....Appellee)

) APPEAL

GROWING OUT OF THE CASE:)

Bea Mountain Mining Company, of the City
of Monrovia, Liberia.....Petitioner)

Versus)

) PETITION FOR
) JUDICIAL REVIEW

Nathaniel S. Dikerson, Director/Senior hearing Officer,
Division of Labor Standards, Ministry of Labor, and
Fredrick Kromah et al., of the City of Monrovia
Republic of Liberia.....Respondents)

GROWING OUT OF THE CASE:)

Fredrick Kromah et al., of the City of Monrovia,
Republic of Liberia.....Complainants)

Versus

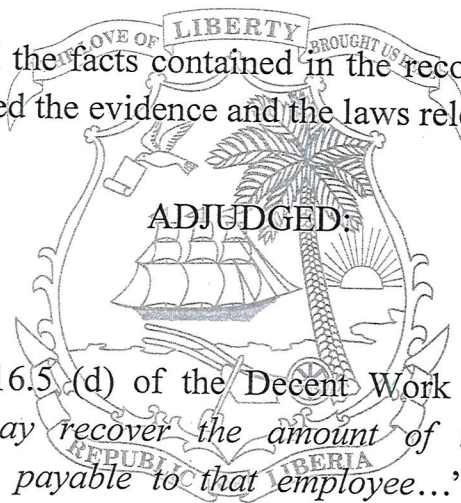
Mountain Mining Company, of the City
of Monrovia, Liberia..... Defendant)

) UNFAIR LABOR
) PACTICE/ UNLAWFUL Bea
) DISMISSAL
)

JUDGMENT

When this case was called for hearing, Counsellor Sunifu S. Sherif of the JUST Legal Services, Inc. appeared for the appellant. Counsellor Kunkunyon Wleh-Teh, of the International Law Group (ILG) appeared for the appellee.

Having carefully examined the facts contained in the records, listened to the arguments on both sides, and considered the evidence and the laws relevant thereto, it is hereby



That pursuant to section 16.5 (d) of the Decent Work Act, *“an employer who has overpaid an employee may recover the amount of that overpayment from any remuneration subsequently payable to that employee...”*; hence, the records having established that the appellee mistakenly made over payments to the appellants, the appellee was legally entitled to recover the difference between the overpayments received by the appellants and what they were entitled to; and

That by the appellants admissions that they did engage in a “go-slow” action, which is tantamount to a strike, their failure and neglect to pursue the procedure established by law for conducting a strike action rendered their strike action illegal; hence, the appellee’s dismissal of the appellants does not constitute unfair labor practice or wrongful dismissal.

WHEREFORE AND IN VIEW OF THE FOREGOING, the final ruling of the National Labor Court is affirmed and the appellants appeal denied. The Clerk of this Court is hereby ordered to send a mandate to the National Labor Court, Montserrado County, commanding the judge presiding therein to resume jurisdiction over this case and give effect to this Judgment. Costs are ruled against the appellants. AND IT IS HEREBY SO ORDERED.

GIVEN UNDER OUR HANDS AND SEAL
OF THE SUPREME COURT OF LIBERIA,
THIS 26th DAY OF JANUARY A.D. 2023.



Sie-A-Nyene G. Yuoh
CHIEF JUSTICE, SUPREME COURT OF LIBERIA



Jamesetta H. Wolokolie
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA



Yussif D. Kaba
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA

Note: Mr. Justice Joseph N. Nagbe being out of the bailiwick of the Republic, did not hear and participate in the determination of this case. Hence, he did not sign this Judgment.