



**UNITED NATIONS APPEALS TRIBUNAL  
TRIBUNAL D'APPEL DES NATIONS UNIES**

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Judgment No. 2021-UNAT-1106

**Howard Andrew Giles III  
(Appellant)**

**v.**

**Secretary-General of the United Nations  
(Respondent)**

**JUDGMENT**

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Before:	Judge Kanwaldeep Sandhu, Presiding Judge John Raymond Murphy Judge Sabine Knierim
Case No.:	2020-1426
Date:	19 March 2021
Registrar:	Weicheng Lin

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Counsel for Appellant: Michael P. Giles, Esq.

Counsel for Respondent: André Luiz Pereira de Oliveira

**JUDGE KANWALDEEP SANDHU, PRESIDING.**

1. Howard Andrew Giles III (Appellant) is a former FS-4 Security Officer with the United Nations Organization Mission in the Democratic Republic of Congo (MONUSCO). On 12 October 2018, he filed an application with the United Nations Dispute Tribunal (Dispute Tribunal or UNDT) challenging the decision of the Advisory Board on Compensation Claims (ABCC) not to reverse its prior recommendation to the Secretary-General to discontinue his partial disability benefit. In its Judgment, the Dispute Tribunal dismissed Appellant's application and held the impugned decision was legal, rational and procedurally correct with relevant matters considered.<sup>1</sup>

2. For reasons set out below, we affirm the Judgment.

**Facts and Procedure**

3. The Appellant commenced service with MONUSCO on 8 March 2007. On 27 April 2010, he sustained an injury at work, and his appointment was terminated for health reasons on 27 December 2011.

4. In November 2011, the United Nations Joint Staff Pension Fund (UNJSPF) awarded the Appellant a disability benefit (the UNJSPF Benefit) under Article 33 of the Regulations, Rules and Pension Adjustment System of UNJSPF (Article 33 of UNJSPF Regulations).

5. On 18 December 2012, the ABCC recommended to the Secretary-General that:

(i) the Appellant's injury be recognized as service-incurred, resulting in a 12 percent permanent loss of function of the whole person and that he be awarded compensation under Article 11.3 (c) of Appendix D to Staff Rules (Appendix D), and

(ii) the permanent loss of function be recognized as a partial disability with 100 percent loss of earning capacity and that the staff member be awarded an annual compensation (the ABCC Benefit) under Article 11.2 (d) of Appendix D.

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<sup>1</sup> *Giles v. Secretary-General of the United Nations*, Judgment No. UNDT/2020/091 dated 19 June 2020 (Impugned Judgment).

6. On 19 February 2013, the Secretary-General approved the ABCC Benefit. However, questions were subsequently raised regarding the Appellant's continuing disability status.

*The UNJSPF Benefit*

7. On 18 February 2015, the UNJSPF's Chief, Legal and Compliance Unit, requested the Appellant to submit copies of his 2011 to 2014 tax returns along with other proof of his earnings from the time he began receiving the UNJSPF Benefit (November 2011) as well as a sworn statement detailing the exact periods and the nature of the work he had undertaken since his separation from the United Nations.

8. On 13 March 2015, the Appellant provided the requested sworn statement but not copies of his tax returns claiming that the returns contained personal information, which was not his alone and as such were subject to federal and state privacy laws. In addition, the CEO of Hostile Control Tactics LLC (for which the Appellant allegedly did some work) issued a letter on 9 October 2014 attesting that the Appellant had never been his employee and that he was only featured on his company website as a freelance or independent contractor.

9. On 5 May 2015, UNJSPF's Chief, Legal and Compliance Unit, wrote to the Secretary of the ABCC with a summary of the Appellant's case, including information on his subsequent work: (i) as an Instructor for the United States Federal Air Marshalls from September 2011 to October 2012 teaching two 45-minute classes per week, and (ii) as a Watcher at the Federal Law Enforcement Training Center from January 2013 to May 2014, which he performed "sporadically". UNJSPF noted the Appellant did not provide information on the amount he earned in either capacity and also that he declined to provide tax returns as they contained information pertaining to his spouse. UNJSPF also informed ABCC that its Standing Committee decided to suspend the UNJSPF Benefit to the Appellant as of 1 August 2015, pending further review in November 2015.

10. On 12 May 2015, the ABCC recommended that the Appellant's ABCC Benefit be discontinued based on evidence regarding the Appellant's earning capacity and internet search results showing that he actively promoted his work capabilities in the security field. The Controller, on behalf of the Secretary-General, approved this recommendation on 5 June 2015, effectively discontinuing the ABCC Benefit.

11. On 22 November 2016, the Appellant was seen for an independent medical evaluation (IME) at the United Nations Medical Officer's request. On 22 December 2016, taking into account the IME's findings, UNJSPF reinstated the Appellant's UNJSPF Benefit as of 1 November 2016 and, later, also retroactively reinstated his benefit between August 2015 and October 2016. To proceed with the reinstatement, the Appellant was required to provide a sworn statement that he had not undertaken any paid employment besides the one he undertook in 2012.

*The ABCC Benefit*

12. On 3 February 2017, the Appellant informed the ABCC of the UNJSPF decision to reverse the suspension of the UNJSPF Benefit and requested that the ABCC follow suit and reinstate the ABCC Benefit, retroactive to 5 June 2015 (the date of the initial suspension).

13. On 27 April 2017, the Appellant provided to the ABCC and the UNJSPF his sworn statement that he had not undertaken any paid employment besides in 2012.

14. On 25 May 2017, the ABCC informed the Appellant that its findings are independent of the UNJSPF and invited the Appellant to provide it with evidence regarding his earning capacity for consideration.

15. On 14 June 2017, the Appellant submitted several documents, including medical reports and statements from the Appellant and the Chief Executive Officer of Hostile Control Tactics LLC.

16. On 29 December 2017, the ABCC informed the Appellant that it had considered the matter but that it would not change its previous recommendation to discontinue the ABCC Benefit (the Contested Decision). It also stated that it might consider his case prospectively, but not retroactively, upon submission of his complete and true income tax returns for 2011 to 2017.

17. On 19 February 2018, the Appellant requested management evaluation of the Contested Decision. On 16 July 2018, the Management Evaluation Unit upheld the decision.

18. On 19 June 2020, the Dispute Tribunal held the Appellant's application was receivable but dismissed the application, finding that the ABCC and UNJSPF are two independent bodies, governed by different legal regimes. In particular, for the ABCC Benefit, Article 11.2(d) of Appendix D requires proof of an adverse effect upon earning capacity whereas UNJSPF Article 33(a) requires only proof of "incapacitation," a purely medical factor which only requires medical evidence to prove.

19. In addition, the Dispute Tribunal held there is no legal basis for the submission that the ABCC Benefit is subject to periodic disability review of the UNJSPF, not the ABCC. The Dispute Tribunal found that it is for the ABCC to determine the nature of proof that was necessary in the circumstances pursuant to Article 15 of Appendix D.

20. Finally, the Dispute Tribunal also held it could not "assail the decision given the Applicant's failure to avail his tax returns which the ABCC would have established the quantum and source of the Applicant's earnings during this period in issue."<sup>2</sup> The ABCC did not deny the Contested Decision was partly based on the online posts and photographic evidence posted by Hostile Control Tactics LLC. All relevant matters were considered by the ABCC before arriving to its decision not to reverse its recommendation to discontinue the benefit.

21. Therefore, the Dispute Tribunal concluded that the Contested Decision was legal, rational, and procedurally correct.

### **Submissions**

#### **Appellant's Appeal**

22. The Appellant submits the Dispute Tribunal erred on questions of law and fact resulting in a manifestly unreasonable decision.

23. First, the Appellant argues the UNDT erred when it concluded that Article 33 of the UNSPF Regulations "does not require proof that an applicant suffered loss of earning capacity" and in so doing erred in concluding that the term "incapacitation" is a purely medical factor.

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<sup>2</sup> Impugned Judgment, para. 42.

24. Second, the Appellant argues the UNDT erred when it concluded that the “ABCC correctly interpreted and applied the law” when it distinguished the ABCC and UNJSPF standards by concluding that only Article 11.2 (d) of Appendix D requires proof of an adverse effect upon earning capacity.

25. Third, the Appellant submits the UNDT erred when it found the impugned decision is appropriately inconsistent with the decision of the UNJSPF to reinstate the UNJSPF Benefit, even though their standards are similar based on both medical and loss of earning capacity factors.

26. Fourth, the Appellant explains that the UNDT was in error when it found no legal basis for the argument that the ABCC Benefit was subject to exclusive periodic review of the UNJSPF, and not the ABCC, and as such, it should have found because the UNJSPF reinstated its benefit after its periodic review, the ABCC should have done same.

27. Finally, the Appellant also posits that the UNDT erred when it found that his loss in earning capacity had changed. The Appellant continues to have a loss of earning capacity in “an equivalent occupation appropriate to his qualifications and experience” as required by Article 11.2(d) of Appendix D and as supported by medical evidence. The work he completed in 2011 and 2012 is not in an “equivalent occupation appropriate to his qualifications and experience” compared to his position with the United Nations as a FS-4 Security Officer. Therefore, because he could not physically perform an equivalent occupation and because the positions he had attempted were not equivalent to his work with the Organization, there was no basis to discontinue his benefit as his earning capacity did not change.

28. The Appellant submits the Dispute Tribunal also erred in fact when it found that the requested income tax returns would have given more information to the ABCC regarding his earning capacity. The failure to produce tax returns was irrelevant because the requested tax returns are of no probative value. The Appellant explains that he files joint tax returns with his spouse and that the returns would only show combined income and not each spouse’s individual income.

29. Further, the Appellant argues that the ABCC already had access to the Appellant’s W-2 (Income Statement Form) for 2012 and 2013 and therefore it should have had no need for the tax returns. Additionally, the other evidence relied upon by the ABCC, namely his

online posts and pictures, despite their challenged accuracy and timeliness, were improperly considered resulting in a manifestly unreasonable decision.

30. The Appellant requests that the United Nations Appeals Tribunal (Appeals Tribunal) reverse the Dispute Tribunal's Judgment and reinstate the ABCC Benefit retroactive to 5 June 2015.

### **The Secretary-General's Answer**

31. The Secretary-General submits the Dispute Tribunal correctly dismissed the Appellant's application.

32. In particular, the Secretary-General says that the legal frameworks applicable for the UNJSPF Benefit and the ABCC Benefit are different in that the ABCC requires the partial disability to adversely affect a staff member's earning capacity whereas the UNJSPF only requires that the staff member be incapacitated for further service in the member organization. The UNJSPF decision and the ABCC's Contested Decision are distinguishable since they were taken by different decision-makers and based on different legal frameworks. As such, it is irrelevant that the UNJSPF and the ABCC decisions are inconsistent.

33. The Secretary-General submits that the following un rebutted evidence shows that the Appellant maintains earning capacity, i.e., his injury has not prevented him from working and gaining earnings in his normal occupation or an equivalent occupation appropriate to his qualifications and experience.

34. First, the Appellant did not dispute he had remunerated professional experiences since leaving the Organization at the following entities: United States Federal Air Marshal Service, Federal Law Enforcement Training Center, and Hostile Control Tactics LLC in addition to being a firearms instructor as shown on his LinkedIn profile.

35. Second, under cross-examination, it was also revealed that he served as a civilian police officer for the Naval Yard in Philadelphia until as recently as December 2019.

36. Importantly, the Secretary-General says it is within the purview of the ABCC, not the Appellant, to determine the nature of proof that is required in the circumstances since the law (Article 15 of Appendix D) gives that mandate to the ABCC. As such, the

Dispute Tribunal did not err in holding that the tax returns were relevant in the determination of the Appellant's earning capacity.

37. The Dispute Tribunal did not erroneously place too much emphasis on the relevance of the Appellant's failure to provide the tax returns. In light of the Appeal Tribunal's jurisprudence in *Nwuke*,<sup>3</sup> the Dispute Tribunal was permitted to draw an adverse inference from the Appellant's refusal to provide his tax returns and from his failure to provide any documents regarding his employment and earnings.

38. Finally, the Secretary-General says that the Appellant is simply rearguing his case and has failed to identify any error by the Dispute Tribunal warranting reversal.

### Considerations

39. Article 11.2(d) of Appendix D sets out the entitlement for partial disability benefits or the ABCC Benefit, which is a "proportion of the annual compensation provided for under article 11.2(c) as corresponds with the *degree of the staff member's disability* assessed on the basis of medical evidence and in relation to loss of earning capacity in his normal occupation or an equivalent occupation appropriate to his qualification and experience."<sup>4</sup> The annual compensation therefore must correspond with the degree of the Appellant's disability.

40. Article 15 of Appendix D provides that: "Every person claiming under these rules *or in receipt of a compensation* under these rules shall furnish such documentary evidence as may be required by the Secretary-General for the purpose of determination of entitlements under these rules."<sup>5</sup>

41. When read together with other provisions of Appendix D, including Article 11.2, the Secretary-General has implied discretion to revoke benefits if a staff member does not satisfactorily furnish evidence of continued eligibility of existing entitlements, which may arise because of a change in circumstances. For example, Article 3.2 of Appendix D regarding payment of compensation for total disability due to a service-incurred injury provides that such compensation shall be payable "for the duration of the disability". Similarly, in regards to reopening claims, Article 5.3 of Appendix D provides that the Secretary-General shall be

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<sup>3</sup> *Nwuke v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-506, para. 53.

<sup>4</sup> Emphasis added.

<sup>5</sup> Emphasis added.



bound by determinations previously made “unless new material evidence or material mistake undermines or otherwise calls into question in substantial part those determinations.”

42. Article 1.8(d) of Appendix D provides that “(t)he claimant must inform the Secretary of the Board of any changes relevant to a claim, including any changes in medical condition.” And Article 1.8(e) states: “The claimant shall provide, as requested, periodic attestation of continued eligibility to receive periodic compensation under the present rules.”

43. These provisions confirm the authority of the Secretary-General to review and revoke benefits based on change of entitlement to those benefits.

44. The ABCC is established under Article 16 of Appendix D to make recommendations to the Secretary-General concerning claims under the rules governing compensation in the event of death, injury or illness attributable to the performance of official duties on behalf of the United Nations. The ABCC may also provide consultation to the Secretary-General on any matter connected with the implementation and administration of these rules.<sup>6</sup> The ABCC, therefore, has only recommendatory and consultative authority under the Staff Rules.

45. In this instance, the ABCC exercised its authority in issuing its recommendation to discontinue the ABCC Benefit on 12 May 2015, after considering the relevant information and evidence before it. The Secretary-General exercised his discretionary authority pursuant to Appendix D by accepting the ABCC recommendation to revoke or discontinue the ABCC Benefit.

46. The ABCC was then asked to reconsider its previous recommendation after provision of further evidence. The ABCC reconsidered the evidence and made a determination on 29 December 2017 to not reverse its previous recommendation.

47. The Dispute Tribunal’s Judgment did not substantively review the ABCC’s authority under Article 16 in its finding that the 29 December 2017 determination of the ABCC was an “administrative decision” but focussed on whether the Appellant’s request of 14 June 2017 was a renewed request for the ABCC or a new one.<sup>7</sup> However, the Secretary-General does not dispute this finding and as an aside, we agree with the Dispute Tribunal’s finding on this issue. An “administrative decision” is “taken by the Administration, [is] unilateral and of

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<sup>6</sup> Article 16(a) and (b) of Appendix D.

<sup>7</sup> Impugned Judgment, para. 24

individual application, and [carries] direct legal consequences.”<sup>8</sup> In this instance, the 29 December 2017 decision of the ABCC to not reverse its previous recommendation was an administrative decision taken by the Administration, of unilateral and individual application, and carried direct legal consequences, namely the continued suspension of the ABCC Benefit.

48. The Dispute Tribunal’s review of the Administration’s exercise of a discretionary authority such as here requires the Dispute Tribunal to “determine[] if the decision is legal, rational, procedurally correct, and proportionate.”<sup>9</sup> The UNDT “can consider whether relevant matters have been ignored and irrelevant matters considered, and also examine whether the decision is absurd or perverse.”<sup>10</sup>

49. The issue for determination is whether the Dispute Tribunal erred in its judicial review of the Contested Decision, in particular, whether the Dispute Tribunal erred in law or fact when it held: (a) the ABCC correctly interpreted Article 11.2(d) of Appendix D requiring proof of an adverse effect on earning capacity for continuation of the ABCC Benefit but not for the UNSJPF Benefit under Article 33 of the UNJSPF Regulations, and (b) the ABCC correctly relied on the Appellant’s failure to produce his tax returns in making its decision regarding his continued eligibility for the ABCC Benefit.

*I. Interpretation of Article 11.2(d) of Appendix D and Article 33 of UNJSPF Regulations*

50. Staff members are entitled to compensation in the event of death, injury, or illness attributable to the performance of official duties on behalf of the United Nations, in accordance with the rules set forth in Appendix D to the present Staff Rules.<sup>11</sup>

51. Article 11.2(d) of Appendix D provides that:

In the case of injury or illness resulting in disability which is determined by the Secretary-General to be partial:

...

(d) Where, upon the separation of a staff member from United Nations service, it is determined that he is partially disabled as a result of the injury or illness in a manner which adversely affects his earning capacity, he shall be entitled to receive such

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<sup>8</sup> Former Administrative Tribunal Judgment No. 1157, *Andronov* (2003).

<sup>9</sup> *Sanwidi v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-084, para. 40.

<sup>10</sup> *Ibid.*

<sup>11</sup> Staff Rule 6.4.

proportion of the annual compensation provided for under article 11.1 (c) as corresponds with the degree of the staff member's disability, assessed on the basis of medical evidence and in relation to loss of earning capacity in his normal occupation or an equivalent occupation appropriate to his qualifications and experience.

52. Article 4 of Appendix D states “[c]ompensation awarded under the rules is intended to supplement benefits awarded under the Regulations of the Joint Staff Pension Fund.”

53. Article 33 of the UNJSPF Regulations provides:

(a) A disability benefit shall, subject to article 41, be payable to a participant who is found by the Board to be incapacitated for further service in a member organization reasonably compatible with his or her abilities, due to injury or illness constituting an impairment to health which is likely to be permanent or of long duration.

...

(f) The Board may prescribe the extent to which and the circumstances in which a disability benefit may be reduced when the beneficiary, although remaining incapacitated within the meaning of this article, is nevertheless in paid employment.

54. In reviewing the governance structure of the UNJSPF, the Appeals Tribunal in *Terragnolo* found that “the legal frameworks governing the composition and election of staff pension committees, including the UNSPC, are separate and distinct from the United Nations Staff Rules and Regulations.”<sup>12</sup>

55. In the present case, the Dispute Tribunal did not err when it held that the legal frameworks for the two benefit systems are different and that the decisions made under the two legal regimes need not be consistent. Article 33 of the UNSPF Regulations does not require proof of a loss of earning capacity and the requirement of “incapacitation” is a purely medical consideration. This is unlike Article 11.2(d) of Appendix D for the ABCC Benefit that also requires proof of an adverse effect on earning capacity.

56. Article 33 of the UNSPF Regulations requires the participant to be “incapacitated for further service in a member organization reasonably compatible with his or her abilities”. “Service” is defined in Article 1(w) of the UNJSPF Regulations as “employment as a full-time member of the staff of a member organization”.

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<sup>12</sup> *Terragnolo v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-517, para. 33.

57. A plain and ordinary definition of “incapacitated” comes from the Merriam-Webster Dictionary as “deprived of capacity or natural power; made incapable of or unfit for normal functioning”. The use of the phrase “incapacitated for further service in a member organization reasonably compatible with his or her abilities” therefore, ordinarily means unfit or incapable for employment as a staff member of a member organization.

58. Article 11.2(d) of Appendix D for the ABCC Benefit requires the staff member to be “partially disabled as a result of the injury or illness in a manner which adversely affects his earning capacity (...) with the disability, assessed on the basis of medical evidence and in relation to loss of earning capacity in his normal occupation or an equivalent occupation appropriate to his qualifications and experience”. The partial disability does not reference employment with the member organization as with Article 33 of the UNJSPF Regulations but to the staff member’s “earning capacity.” Further, the disability is assessed not only on the basis of medical evidence but the member’s loss of earning capacity in his normal occupation or an equivalent occupation.

59. The two benefits require two different standards and have different eligibility requirements. As a result, the fact the impugned decision to not reinstate the ABCC Benefit is inconsistent with the reinstatement of the UNJSPF Benefit bears no relevance in the instant case. The two legal frameworks, although interconnected to some extent and supplemental, are nevertheless distinct.

60. The Appellant says he continues to have a loss of earning capacity in “an equivalent occupation appropriate to his qualifications and experience” as required by Article 11.2(d) of Appendix D and the work he completed in 2011 and 2012 is not an “equivalent occupation appropriate to his qualifications and experience” to his position with the United Nations as a FS-4 Security Officer. On 12 May 2015, the ABCC recommended the discontinuation of the ABCC Benefit as a result of his part time employment in 2011-2012 and 2013-2014. In reaching this conclusion, the ABCC considered the online promotion of the Appellant’s work capabilities in the security field, which showed he suffered no adverse effect upon his earning capacity in an equivalent occupation appropriate to his qualifications and experience.

61. Therefore, the Dispute Tribunal correctly held that the recommendation to grant or not to grant the benefit is within the mandate of the ABCC and not the tribunal.

62. The next question is whether the Dispute Tribunal erred in this finding and whether the ABCC and the Secretary-General (in accepting the ABCC's recommendation and analysis of the evidence) considered irrelevant matters or ignored relevant matters such that the Contested Decision is unlawful.

*II. Proof of Loss of Earning Capacity*

63. As indicated above, the purpose of judicial review of the Administration's discretion is not to determine the correctness of the impugned decision but how the decision maker reached the impugned decision, which requires considering "whether relevant matters have been ignored and irrelevant matters considered, and also examine whether the decision is absurd or perverse."<sup>13</sup> The question then is not whether the exercise of the discretion was correct but whether the discretion has been exercised judiciously.

64. It is not disputed that the Appellant had worked in 2011 and 2012 and earned some income for work in the security field, but not as a security officer. The UNJSPF relied on sworn statements provided to support the income earned by the Appellant during this time in its reinstatement of the UNJSPF Benefit, but the ABCC did not rely on those statements.

65. Article 15 of Appendix D provides that "(e)very person claiming under these rules or in receipt of a compensation under these rules shall furnish such documentary evidence as may be required by the Secretary-General for the purpose of determination of entitlements under these rules."

66. Therefore, it is for the Secretary-General and in turn, the ABCC, to require such documentary evidence for the purpose of entitlements, and to determine the nature of proof necessary.<sup>14</sup>

67. The ABCC was faced with the undisputed fact of the Appellant earning income in the relevant time period. In requiring the Appellant to furnish the tax returns, the ABCC was requesting further evidence on the adverse effect of the disability on the Appellant's earning capacity and his continued eligibility for receiving a disability benefit.

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<sup>13</sup> *Sanwidi*, *supra* note 6.

<sup>14</sup> *Massi v. Secretary-General of the United Nations*, Judgment No. UNDT/2016/100, para. 72.

68. The tax returns were and are relevant to the Appellant's earning capacity. The tax returns could establish what other work, if any, had been declared, and the quantum and source of the earnings in the relevant time period. For example, the Appellant served as a civilian police officer for the Naval Yard in Philadelphia until as recently as December 2019, and the tax returns would presumably confirm the dates of that employment as well his earnings during that time. They could have confirmed or contradicted any of the other evidence produced. In weighing the evidence, the ABCC made an adverse inference from the refusal to produce the tax returns, which was within its discretion to do. In doing so, the Organization considered all relevant matters, including the refusal to produce the tax returns and the reasons provided for that refusal.

69. The ABCC made a request for the tax returns, and the Appellant denied the request in contravention of the legitimate authority conferred to the Administration under Article 15 of Appendix D. In attempting to determine continuing eligibility, the ABCC was entitled to make the request and consequentially, to make any reasonable inferences from the refusal of Appellant to fulfill that request and furnish the necessary evidence. Thus, it cannot be said that the ABCC considered irrelevant matters or that its determination was absurd or perverse.

70. Therefore, we find the Dispute Tribunal correctly concluded that the Contested Decision was legal, rational and procedurally correct. We also find that it was an appropriate and judicious exercise of discretion.

**Judgment**

71. We affirm the Dispute Tribunal's Judgment and dismiss the appeal.

Original and Authoritative Version: English

Dated this 19<sup>th</sup> day of March 2021.

*(Signed)*

Judge Sandhu, Presiding  
Vancouver, Canada

*(Signed)*

Judge Knierim  
Hamburg, Germany

*(Signed)*

Judge Murphy  
Cape Town, South Africa

Entered in the Register on this 4<sup>th</sup> day of May 2021 in New York, United States.

*(Signed)*

Weicheng Lin, Registrar