



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2009/061/
JAB/2009/009
Order No.: 111 (NY/2010)
Date: 21 April 2010
Original: English

Before: Judge Adams
Registry: New York
Registrar: Hafida Lahiouel

BEAUDRY

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON COMPENSATION

Counsel for applicant:

Bart Willemsen, OSLA

Counsel for respondent:

Susan Maddox, ALS/OHRM, UN Secretariat

Introduction

1. On 20 April 2010 I issued an order on compensation requiring the parties to file submissions on the amount to be awarded. It appeared that this amount would in all likelihood exceed the jurisdictional limit prescribed in art 10.5(b) of the Statute, since the applicant had submitted (and it was not disputed by the respondent) that the hypothetical date of the applicant's retirement from the UN would have been 10 February 2011, while her contract expired on 31 October 2008.

2. However, following the order, the applicant notified the Tribunal on 20 April 2010 that the date of retirement initially submitted was mistaken and that the correct date was 10 February 2010. Accordingly, the applicant's compensation for loss of salary was less by one year than the period which was the basis for my award. Whether compensation for the resulting one year, five months and twenty days plus the amounts awarded under other heads still exceeds the limit imposed by art 10.5(b) is uncertain, since the award was calculated by reference to the applicant's total emoluments (less assessment) including post-adjustment, to which must be added money. It may be that the applicant's total term on the new figures does not entitle her to a pension.

IT IS ORDERED THAT –

1. The parties are to agree on the total amount calculated in accordance with this order and inform the Registry accordingly by COB 27 April 2010.
2. The parties are to agree on the amount prescribed by art 10.5(b) in relation to the applicant and inform the Registry accordingly by COB 27 April 2010.
3. If the sum agreed under order 1 is less than the sum under order 2, no further evidence is required.
4. If the sum agreed under order 1 is greater than the sum agreed under order 2, and the applicant seeks to rely on any further evidence, this is to be filed and served by 29 April 2010.

5. By 4 May 2010, the respondent is to indicate whether the matters sought to be relied are in dispute and file and serve any material upon which it seeks to rely. If so, a hearing will be convened for Thursday, 6 May 2010 to determine the matter.

(Signed)

Judge Adams

Dated this 21st day of April 2010