

UNDT/2011/145, Bridgeman

UNAT Held or UNDT Pronouncements

Compensation for stress and anxiety The Applicant produced medical evidence of stress and anxiety. The Tribunal finds that this aspect of the claim is made out. Also, the actions of Mr. Stephen Lieberman, Chief Administrative Officer, described in the Tribunal's Judgment on liability, were high-handed and grossly disproportionate and the attempt at misleading both the JAB and JDC panels, as well as Counsel for the Respondent and the Tribunal in the present proceedings, constitute aggravating factors which the Tribunal finds heightened the distress experienced by the Applicant. In arriving at a monetary assessment, the Tribunal has taken account of Counsel for the Respondent's submission that the stress and anxiety suffered by the Applicant was due to his own misdeed of storing pornographic material on his United Nations office computer. SLWOP The Applicant explained that he had such an adverse reaction to the medication he was taking for anxiety and stress that he had to take SLWOP to recuperate. The Tribunal is obliged to consider what evidence was adduced by the Applicant to justify or support this claim. The claim for compensation in respect of losses incurred during the period of SLWOP is refused. Legal costs The Applicant requests the Tribunal to order that he be compensated in the amount of USD8,000 for legal fees and disbursements for Mr. Lieberman's "false justification for the sequestering of the Applicant's hard drive" "any abuse of the proceedings before the former Administrative Tribunal". The Respondent submits that his representatives acted properly on the basis of the available information in that they were not aware that the information provided by Mr. Lieberman was false. The Tribunal finds that the fact that the evidence was deemed by the Tribunal to be false only came to light when all the evidence was analysed and assessed when the Judgment on liability was being prepared. The Respondent only became aware of this when the Judgment on liability was delivered. The Applicant's claim for legal costs is refused. The Respondent will increase the level of the Applicant's engagement by two steps within grade and by the steps he would have been eligible for but for the two-year deferment of eligibility for within-grade salary increment; The Respondent will pay the Applicant the sum by which his net base salary and post adjustment was reduced by the Sanction, less the additional sum he would have paid toward his pension contributions had the Sanction not been imposed; the Respondent will pay to the United Nations Joint Staff Pension Fund the sum by which the Applicant's staff and employer pension contributions were reduced as a result of the Sanction. It is further ordered that: The Applicant's personal items on his hard-drive shall be released to him. All material relating to the Field Staff Union shall be returned to the President of the Union. The Respondent shall pay to the Applicant the sum of USD15,000 as compensation for stress, anxiety and harm caused by the unlawful seizure of his computer hard drive, the manner in which he was treated in the course of the internal proceedings including the unconscionable delays in the JAB process.

Decision Contested or Judgment/Order Appealed

In Judgment No. UNDT/2011/018 dated 25 January 2011 the Tribunal rescinded the decision to impose a loss of two steps in grade and a two year deferment of within grade salary increments, called for further submissions on remedy, and listed the case for a hearing on remedy.

Legal Principle(s)

Claims for suffering adverse health conditions and compensation for losses incurred during Special Leave Without Pay must be supported by medical practitioner's evidence. The Respondent is liable for the shortcomings of the JAB and any anxiety and stress it causes in applicants.

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Bridgeman

Entity

UN Secretariat

Case Number(s)

UNDT/NY/2010/052/AT/1660

Tribunal

UNDT

Registry

New York

Date of Judgement

24 Aug 2011

Duty Judge

Judge Meeran

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Disciplinary measure or sanction

Sexual harassment

Applicable Law

Secretary-General's bulletins

- ST/SGB/2004/15

Staff Rules

- Chapter XI

Related Judgments and Orders

2010-UNAT-059

2010-UNAT-095

2010-UNAT-042

2011-UNAT-123