

UNDT/2012/074, Wu

UNAT Held or UNDT Pronouncements

Not only did Counsel for the Respondent initially refuse to take part in the proceedings because submissions were being filed and submitted through the eFiling portal, she further failed to comply with the Tribunal's Order granting her an extension of 30 days. This failure, in the circumstances is an abuse of the process of the Tribunal. The Tribunal is entitled to enter, on its own Motion, a default judgment in this case. This means that in the present case, the Tribunal shall rely on the facts as presented by the Applicant and apply the relevant law to these facts. Upon his separation from service on retirement, the Applicant was entitled to payment of the non- removal of personal effects and the non removal element of the mobility and hardship allowance. The Applicant was not entitled to the payment of an additional 46 months of non-removal allowance in respect to his transfer from UNOG to UNON in April 2010. The Applicant is entitled to payment for charges incurred in the shipment of his personal effects and household goods.

Decision Contested or Judgment/Order Appealed

The Applicant, a former staff member of UNON, contests a decision taken on 10 June 2011 stating that he was ineligible for: payment of a non-removal allowance in lieu of removal costs in respect to his separation from service on retirement; payment of a non-removal allowance for the remaining 46 months in respect to his transfer from the United Nations Office at Geneva to UNON in April 2010; and entitlement to unaccompanied shipment in respect to his repatriation travel upon retirement as he took a ticket option.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

The Respondent is ordered to pay the Applicant for: the non-removal of personal effects and the non removal element of the mobility and hardship allowance; the charges, as conceded by the Respondent, incurred in the shipment of his personal effects, household goods and excess baggage.

Full judgment

[Full judgment](#)

Applicants/Appellants

Wu

Entity

UNON

Case Number(s)

UNDT/NBI/2011/078

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

24 May 2012

Duty Judge

Judge Izuako

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Abuse of process before UNDT/UNAT

Benefits and entitlements

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

Administrative Instructions

- ST/AI/2007/1

Secretary-General's bulletins

- ST/SGB/2002/12
- ST/SGB/2011/1

Staff Rules

- Rule 11.2(c)
- Rule 7.15
- Rule 7.16

UNDT RoP

- Article 10
- Article 19