

UNDT/2012/076, Ouellet

UNAT Held or UNDT Pronouncements

Certification of sick leave: If some staff members as a matter of practice communicated directly with the MSD rather than through their mission, such practice does not detract from or modify written legislation. Recognised regional medical centres: A country in serious political, economic and security situation was unlikely to be the place to seek adequate medical treatment for an ailment recognised by the organization as a condition for medical evacuation. Recovery of overpayment: The United Nations being a humanitarian organization and in providing humanitarian assistance worldwide, needs to be mindful of its staff members, who work towards fulfilling the organization's mandate for a better world. To expect a staff member, working in a mission area, far removed from his home country, to receive no pay at all at the end of each month for whatever reason, is unfair and unconscionable. The Tribunal found that the Applicant had fulfilled the requirements for his application for sick leave approval and that the decision not to certify 7 months of the Applicant's sick leave was due to administrative delays. The Applicant in the circumstances was entitled to the maximum approval of sick leave available to him under his contract of employment. The Tribunal also found that the certification of sick leave for the period that the Applicant was well and healthy was unwarranted action designed to cover up the shortcomings of the managers who had failed to medically clear the Applicant to return to duty.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to place him on SLWOP for an extended period of sick leave so as to recover overpayments of the emoluments he received during that period.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Ouellet

Entity

UNTSO

Case Number(s)

UNDT/NBI/2010/016

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

30 May 2012

Duty Judge

Judge Izuako

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Sick leave

Applicable Law

Administrative Instructions

- ST/AI/1999/12
- ST/AI/2000/10
- ST/AI/2000/11
- ST/AI/2009/1

Information Circulars

- ST/IC/2000/7

Secretary-General's bulletins

- ST/SGB/2002/1
- ST/SGB/2009/11

Security Council Resolutions

- S/RES/1528