

UNDT/2012/161, Adewusi

UNAT Held or UNDT Pronouncements

The Applicant's reassignment to ONUCI was frustrated by the force majeure, the outbreak of violence in Côte d'Ivoire and this event was beyond the control of the Administration. There were no exceptional circumstances that would have justified placing the Applicant on special leave with full pay between 1 July 2011 and 6 December 2011. The Applicant was lawfully placed on SLWOP upon the expiry of his provisional reassignment to ONUCI. The Applicant is not entitled to any relief for the delay in receiving certain written tests as a result of the disconnection of his UN webmail address. However, the Applicant was left to labour under the belief that he had lost his job for four months and coupled with the Administration's failures to respond to his numerous inquiries undoubtedly caused him much anxiety and distress.

Decision Contested or Judgment/Order Appealed

The Applicant seeks to be paid salaries and other entitlements for the period 1 July 2011 to 6 December 2011 when the Organization placed him on Special Leave Without Pay. The Applicant also seeks relief for the delay in receiving certain written tests as a result of the disconnection of his UN webmail address.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

UNDT awarded the Applicant USD 6000 compensation.

Full judgment

[Full judgment](#)

Applicants/Appellants

Adewusi

Entity

UNOCI

Case Number(s)

UNDT/NBI/2011/087

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

31 Oct 2012

Duty Judge

Judge Izuako

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Benefits and entitlements

Special leave (with or without pay)

Applicable Law

Staff Regulations

- Regulation 5.2

Staff Rules

- Rule 5.3(c)
- Rule 5.3(ii)