

UNDT/2014/037, Bezziccheri

UNAT Held or UNDT Pronouncements

The Applicant does not deny that her claim for compensation regarding two claims under Appendix D to the Staff Rules was time-barred. Rather, she submits that the record shows that the delay incurred by her in submitting a claim to the ABCC was the result of her being unable to obtain clear advice from HRMS regarding the process to follow with regard to submitting a claim to the ABCC. The ABCC decision is partially rescinded and the Applicant's request for the reimbursement of the Ayurveda treatment is remanded to the ABCC for a fair and full consideration. The Tribunal included observations regarding the need for the organization to maintain up to date rule, regulations and bulletin as it should lead by example in establishing a safe and healthy working environment. The ABCC correctly determined that the circumstances presented by the Applicant could not result in a waiver of the deadline for requesting the reimbursement of the costs for the June 2008 plane ticket and therefore correctly rejected this part of the Applicant's request. With regard to her second claim, the established deadline should be calculated from the date of the new diagnosis or from the date on which the costs of the new treatment become effectively known by the staff member. Otherwise, a staff member's right to claim all the costs related to his or her illness will remain illusory and without substance. The Tribunal also considers that it would be absurd and unreasonable to expect a staff member to formulate a compensation claim within four months from the onset of the illness for possible future costs related to his or her illness which are unknown at the time.

Decision Contested or Judgment/Order Appealed

The Applicant appealed the decision by the ABCC that her claim for the reimbursement of (1) a June 2008 plane ticket from Bangkok to Rome (12,660 Thai Baht) on the grounds that she needed to be medically evacuated; and (2) an Ayurveda treatment received in October 2009 (EUR 1,200) on the grounds that this treatment was effective in relieving her pain.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

No comp. ordered (but judg. for Applicant)

Full judgment

[Full judgment](#)

Applicants/Appellants

Bezziccheri

Entity

UNODC

Case Number(s)

UNDT/NY/2011/041

Tribunal

UNDT

Registry

New York

Date of Judgement

10 Apr 2014

Duty Judge

Judge Greceanu

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Benefits and entitlements

Compensation for injury, illness or death attributable to service (Appendix D to Staff Rules)

Compensation

Applicable Law

Information Circulars

- ST/IC/1999/14

Secretary-General's bulletins

- ST/SGB/2003/19

UN Charter

- Article 1.3
- Article 1.4

Related Judgments and Orders

2010-UNAT-029

2010-UNAT-084

2012-UNAT-260