

UNDT/2014/105, Saffir

UNAT Held or UNDT Pronouncements

The Tribunal found that the Applicant's claims of moral damage are receivable and well founded and he is awarded USD1,000 as compensation for anxiety. The Tribunal finds that it is incorrect to characterize the decision to hire new staff members as being purely preparatory in nature as the contested decision was in fact implemented and the outcome of the selection process could have adversely affected the Applicant. It is therefore a contestable administrative decision. Further, even if a decision is rescinded, if an applicant can show that there was a causal link between the breach on the part of the Respondent and the damage the Applicant suffered, the Tribunal may award relief compensatory relief. The Tribunal is satisfied that the Applicant has provided it with sufficient evidence to indicate that, as a result of previous negative experiences, the potential restructuring of his division, as reflected by the announcement of the hiring of 19 candidates for a new section, resulted in a significant level of anxiety that affected him to the point where an award of damages is reasonable and warranted and awards him USD1,000.

Decision Contested or Judgment/Order Appealed

The Applicant appeals the decision of the Assistant Secretary-General, DGACM to initiate the recruitment of 19 candidates for the future operation of the Publishing Section and as part of the plan to phase out services provided by the Applicant. The contested decision was subsequently rescinded. However, the Applicant submitted that this now moot decision still had a direct impact on him and resulted in him suffering harm as a result of high levels of stress and anxiety for his job security. The Respondent contended that as a result of the rescission of the decision, which was preparatory in nature, the appeal was moot and not receivable.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

Only financial compensation

Full judgment

Full judgment

Applicants/Appellants

Saffir

Entity

DGACM

Case Number(s)

UNDT/NY/2013/17

Tribunal

UNDT

Registry

New York

Date of Judgement

24 Jul 2014

Duty Judge

Judge Meeran

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Compensation

Non-pecuniary (moral) damages

Staff selection (non-selection/non-promotion)

Applicable Law

UNDT Statute

UNAT Statute

- Article 2.1(a)

Related Judgments and Orders

UNDT/2012/163

UNDT/2013/004

UNDT/2013/155

UNDT/2013/169

2010-UNAT-042

2012-UNAT-204

2012-UNAT-253

2013-UNAT-290