

UNDT/2017/017, Nyasulu

UNAT Held or UNDT Pronouncements

In light of the parties' agreement, the Tribunal accordingly entered judgment as follows: a) The Applicant would be paid four months' net base salary at the level he encumbered prior to his separation from service on 9 August 2013. b) The Applicant would be paid eight months' net base salary at the level he encumbered prior to his separation from service on 9 August 2013, less the USD equivalent of EUR59,000 calculated as specified below. c) Pursuant to rule 106.5(a) of the United Nations' Financial Regulations and Rules, the operational rate of exchange, as established by the Under-Secretary-General for Management, would be used for recording all United Nations transactions. d) The average United Nations operational rate of exchange applicable during the period from November 2013 to July 2014 would be used to convert the Applicant's occupational earnings of EUR 59,000 into USD.

Decision Contested or Judgment/Order Appealed

On 7 November 2013, the Applicant filed an application challenging the decision to abolish his post and not to renew his contract. The Applicant further contested the decision to require him to go through a competitive recruitment process for the position of Principal, Rule of Law, UNMIL, at the D-1 level.

Legal Principle(s)

On 14 March 2016, the Tribunal issued Judgment No. UNDT/2016/020 in which it, inter alia, awarded the Applicant compensation. The Secretary-General appealed the said Judgment and, on 28 October 2016, the United Nations Appeals Tribunal remanded the case to the UNDT to recalculate the compensation due to the Applicant using the United Nations Operational Rate of Exchange at the applicable time. On 8 March 2017, the parties filed a "Joint Submission on the Calculation of Compensation" in which they state that they have agreed on the implementation of

paragraph 130 of Judgment No. UNDT/2016/020.

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Nyasulu

Entity

UNMIL

Case Number(s)

UNDT/NBI/2013/083/R1

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

10 Mar 2017

Duty Judge

Judge Izuako

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Compensation

Applicable Law

Secretary-General's bulletins

- ST/SGB/2013/4