

UNDT/2017/024, Porter

UNAT Held or UNDT Pronouncements

The application was receivable as it was filed in accordance with the requirements set forth in article 12.3 of the UNDT Statute and article 30 of the UNDT RoP.; The payment of salaries to the Applicant should have been calculated as of the time of separation (30 November 2009) with accrued interest.; UNDT ordered that the Secretary-General add a pre-judgment interest on the compensation already paid, calculated at the US Prime Rate applicable on 30 November 2009 (date of separation) to 9 December 2016 (date of payment). All other pleas were refused.

Decision Contested or Judgment/Order Appealed

The Applicant filed an application challenging three issues that arose from the circumstances of a prolonged medical leave that spanned a period of more than two years: 1) A decision taken by the United Nations Assistance Mission for Iraq (UNAMI) administration to keep him on medical leave for more than two years after his doctors had recommended that he was fit to return to work; 2) During the period of his forced medical leave, the Administration ignored his pleas for information and misled him thereby causing him untold stress and hardship; and 3) Failure by the Administration to reimburse financial claims that accrued to him as a result of the forced medical leave.

Legal Principle(s)

When calculating the quantum of compensation, it must be set as of the date of the breach of the staff member's contractual rights and not the date of judgment.

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

The Respondent was ordered to pay pre-judgment interest on the compensation already paid.

Full judgment

[Full judgment](#)

Applicants/Appellants

Porter

Entity

MONUSCO

Case Number(s)

UNDT/NBI/2017/12

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

6 Apr 2017

Duty Judge

Judge Izuako

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Compensation

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Applicable Law

UNDT RoP

- Article 30

UNDT Statute

- Article 12.3

Related Judgments and Orders

2017-UNAT-796