

UNDT/2017/044, Kisia

UNAT Held or UNDT Pronouncements

Receivability before the UNCB. As follows from art. 12 read together with art. 14(b)(ii) of ST/AI/149/Rev.4, for a compensation claim for damage to be receivable before the UNCB, the relevant staff member is required (“shall”) to take the following mandatory and cumulative actions, setting forth in detail all relevant circumstances to UNCB: (a) to notify the United Nations authorities and the local police about the incident as soon as possible; (b) to submit all pertinent evidence; (c) in case the staff member holds valid personal insurance at the date of the incident, to take all the reasonable steps to receive suitable compensation under this insurance coverage prior to submitting the claim to the UNCB and then to provide the UNCB with results thereof, including whether the damages were covered totally or partially by the insurance company. If a claim is found not receivable, nor UNCB neither the ASG/Controller is to make, respectively, a recommendation or determination of the substance of the claim.

Decision Contested or Judgment/Order Appealed

The Applicant, a former UN staff member at the S-2, step 6, level with the DSS at UNHQ in New York, contested, in essence, the ASG/Controller’s decision to deny him compensation under ST/AI/149/Rev.4 (Compensation for loss of or damage to personal effects attributable to service) for damages to his private vehicle in connection with an accident at UNHQ. The Tribunal upheld the ASG/Controller’s decision to reject the claim as not receivable but rejected her determination of the claim on its merit. The Tribunal awarded the Applicant USD 3,500 compensation for the approximately seven months’ procedural delays attributable to the Administration.

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

Kisia

Entity

DSS

Case Number(s)

UNDT/NY/2016/75

Tribunal

UNDT

Registry

New York

Date of Judgement

22 Jun 2017

Duty Judge

Judge Greceanu

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Compensation

Applicable Law

Administrative Instructions

- ST/AI/149/Rev.4

Staff Rules

- Rule 6.5

UNDT RoP

- Article 7.1
- Article 7.2
- Article 7.3

UNDT Statute

- Article 2.1
- Article 3.1(a)
- Article 3.1(b)
- Article 8.1(b)

Related Judgments and Orders

2010-UNAT-073

2011-UNAT-182

2013-UNAT-313

2013-UNAT-335

2015-UNAT-505