

UNDT/2019/182, Kisia

UNAT Held or UNDT Pronouncements

The ABCC rectified the procedural irregularities as directed by Judgment No. UNDT/2019/019 in its reconsideration of the Applicant's claim. The ABCC received and considered a medical opinion of the medical doctor of MSD, who reviewed medical reports submitted by the Applicant along with his prior medical history. While the Applicant made allegations of improper considerations, he did not provide any supporting evidence and these allegations are without merit.

Decision Contested or Judgment/Order Appealed

The decision to deny his claim for compensation under Appendix D to the Staff Rules for injuries and illnesses in relation to an incident that occurred on 27 July 2013 UNDT.

Legal Principle(s)

There are two elements that must be established for a claim under Appendix D: (a) whether a claimant suffered from the injury or illness as alleged, and (b) whether the illness or injury was attributable to the performance of official duties on behalf of the Organization. The burden of proving any allegations of ill-motivation rests with the applicant. Decision(s) contested: The decision to deny his claim for compensation under Appendix D to the Staff Rules for injuries and illnesses in relation to an incident that occurred on 27 July 2013 UNDT.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Kisia

Entity

DSS

Case Number(s)

UNDT/NY/2019/049

Tribunal

UNDT

Registry

New York

Date of Judgement

18 Dec 2019

Duty Judge

Judge Adda

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

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

Discrimination and other improper motives

Applicable Law
Administrative Instructions
Staff Rules

- Appendix D