

# 2010-UNAT-031, Jarvis

## UNAT Held or UNDT Pronouncements

UNAT noted that the staff members had accepted the lump-sum calculated by the ICTY travel unit while reiterating their disagreement with the calculation. UNAT held that UNDT erred in finding that by accepting a lump-sum payment for home leave travel, the staff members forfeited any right to contest the calculation of the amount of the lump sum payment. UNAT remanded the case to UNDT for consideration on the merits.

## Decision Contested or Judgment/Order Appealed

The staff member (and two other applicants) contested the calculation of the lump-sum payment for home leave travel. UNDT rejected the application as inadmissible, noting that the staff members, by opting for the lump-sum payment proposed, forfeited any right of appeal.

## Legal Principle(s)

The acceptance of a lump-sum option for home leave does not preclude a staff member from claiming before UNDT its wrongful calculation.

## Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Jarvis

Entity

ICTY

Case Number(s)

2010-039

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Mar 2010

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Home leave

Due process

Right to appeal

Applicable Law

Administrative Instructions

- ST/AI/2006/4

#### Former Staff Rules

- Rule 105
- Rule 107

#### Related Judgments and Orders

UNDT/2009/077