

# 2010-UNAT-059, Warren

## UNAT Held or UNDT Pronouncements

The Secretary-General claimed that UNDT had no power to award interest. UNAT found that both UNDT and UNAT have the power to award interest in the normal course of ordering compensation. The very purpose of compensation is to place the staff member in the same position he or she would have been in had the Organisation complied with its statutory obligations. In many cases, interest will be by definition part of compensation. To say that the tribunals have no jurisdiction to order the payment of interest would, in many cases, mean that the staff member could not be placed in the same position, and that, therefore, proper compensation could not be awarded. Noting the inconsistent approach of UNDT in several of its judgments, UNAT decided to award interest at the US Prime Rate applicable at the due date of the entitlement, calculated from the due date of the entitlement to the date of payment of the compensation awarded by UNDT. UNAT further ordered the Secretary-General to make the payment within 60 days of the UNAT judgment and that an additional five per cent be added to the US Prime Rate from the date of expiry of the 60-day period to the date of payment if the payment of the compensation was not made within 60 days.

## Decision Contested or Judgment/Order Appealed

The staff member claimed that the amount paid to him as his lump sum entitlement for home leave travel had been incorrectly calculated. UNDT held that the amount had been calculated on the wrong basis and ordered the Secretary-General to pay the staff member the difference between the amount of the lump sum entitlement as determined by UNDT and the amount already paid pursuant to the Organisation's calculation. UNDT further ordered the Secretary-General to pay the staff member interest on the difference at the rate of eight per cent per year, from the date of the contested decision to the date of payment.

## Legal Principle(s)

UNDT and UNAT have the authority to award interest on orders for compensation.

## Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Warren

Entity

UNOPS

Case Number(s)

2010-065

Tribunal

UNAT

Registry

New York

Date of Judgement

1 Jul 2010

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Compensation

Applicable Law

UNAT Statute

- Article 9.1
- Article 9.3

UNDT Statute

- Article 10.5
- Article 10.7

Related Judgments and Orders

UNDT/2010/015