

2011-UNAT-109, Hastings

UNAT Held or UNDT Pronouncements

UNAT found that there was no evidence of damages or injuries in this case. UNAT reaffirmed the principle that an award for moral damages must be supported by specific evidence.

Decision Contested or Judgment/Order Appealed

The staff member contested the decision not to grant her an exception to Section 5.2 of ST/ AI/2006/3 (which provides that staff members shall not be eligible to be considered for promotion to posts more than one level higher than their personal grade). UNDT found that it was more likely than not that the staff member's case for an exception had not been properly considered and accordingly the decision to reject her application on the basis that no exceptions were possible was not lawful. In its judgment on Remedies, UNDT awarded moral damages, finding that the staff member "must have suffered some distress at the unlawful decision".

Legal Principle(s)

Moral damages may not be awarded without specific evidence supporting the award.

Outcome

Appeal granted in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Hastings

Entity

ACABQ

Case Number(s)

2010-104

Tribunal

UNAT

Registry

New York

Date of Judgement

11 Mar 2011

President Judge

Judge Painter

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Compensation

Loss of chance

Evidence

Evidence of harm

Staff selection (non-selection/non-promotion)

Applicable Law

Administrative Instructions

- ST/AI/2006/3

Former Staff Rules

- Rule 112.2(b)

UNDT Statute

- Article 10.5

Related Judgments and Orders

UNDT/2010/071

2010-UNAT-076

2010-UNAT-009