

2011-UNAT-183, Bowen

UNAT Held or UNDT Pronouncements

UNAT considered an appeal by the Secretary-General limited to the quantum of compensation awarded. UNAT held that the termination indemnity paid to Mr Bowen should be deducted from the compensation awarded to him as an alternative to rescission. UNAT held that the compensation awarded by UNDT was excessive, noting that the decision only affected the three remaining months of his one-year term and that termination indemnity was paid. UNAT held that Mr Bowen had not produced evidence of exceptional circumstances that would justify the award of compensation equivalent to the maximum statutory limit of two years' net base salary. UNAT held that it was adequate to reduce the compensation to six months' net base salary. UNAT held that the appeal was not an abuse of process by the Secretary-General and rejected Mr Bowen's request for costs. UNAT allowed the appeal in part. UNAT deducted the termination indemnity paid, in addition to the payment effectuated in lieu of notice, from the compensation awarded to the Appellant as an alternative to reinstatement; and reduced the compensation awarded for the effects of the early termination from two years to six months' net base salary.

Decision Contested or Judgment/Order Appealed

Mr. Bowen contested the decision to terminate his appointment on grounds of performance. UNDT found, in part, in favour of the Applicant, ordering rescission of the decision (or compensation in lieu) and compensation.

Legal Principle(s)

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Outcome

Appeal granted in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Bowen

Entity

UNDP

Case Number(s)

2011-190

Tribunal

UNAT

Registry

New York

Date of Judgement

21 Oct 2011

President Judge

Judge Simón

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Compensation

Maximum amount / exceptional circumstances

Separation from service

Termination of appointment (see also, Termination of appointment)

Termination (of appointment)

Unsatisfactory service

Applicable Law

UNDT Statute

- Article 10.5(a)

Related Judgments and Orders

UNDT/2010/197