

2012-UNAT-190, Bekele

UNAT Held or UNDT Pronouncements

UNAT considered an appeal limited to the claim that UNDT ordered inadequate compensation for the losses he sustained as a result of various acts and omissions on the part of the Administration. UNAT found that UNDT took due regard for the arguments the Appellant brought in his appeal and that UNDT, having regarded the parameters of what it could compensate the Appellant for, made adequate provisions for the Appellant's economic and social losses in its overall award to him. UNAT dismissed the appeal and upheld the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the refusal to reassign him to another location. He sought retroactive payment of his salary; compensation for service-incurred injuries; an investigation into whether reasons existed for him to fear for his safety in Ethiopia; and an inquiry to determine the circumstances surrounding his arrest and detention, or compensation in lieu. UNDT ordered that the Applicant be paid his withheld salary with interest and an additional six months' net base salary for various due process failures.

Legal Principle(s)

The function of UNAT is to determine whether UNDT erred in law or fact, exceeded its jurisdiction or competence, or failed to exercise the jurisdiction vested in it. The burden of satisfying UNAT that a UNDT judgment is defective rests with the appellant.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Bekele

Entity

UNECA

Case Number(s)

2010-165

Tribunal

UNAT

Registry

New York

Date of Judgement

16 Mar 2012

President Judge

Judge Faherty

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Compensation

In-lieu compensation

Pecuniary (material) damages

Related Judgments and Orders

UNDT/2010/175

2010-UNAT-059