

2013-UNAT-288, Debebe

UNAT Held or UNDT Pronouncements

UNAT considered an appeal by the Secretary-General. UNAT held that UNDT erred in law and exceeded its competence by awarding compensation for distress without a previous claim for damages. UNAT noted that Mr Debebe's claim before the Joint Appeals Board (JAB) had been limited to material or pecuniary damages related solely to remuneration. UNAT held that UNDT did not have jurisdiction to award compensation for moral damage. UNAT allowed the appeal and vacated the UNDT judgment to the extent that it awarded compensation for moral damages.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to promote him. UNDT rejected the Applicant's request for promotion but awarded four months' net base salary for distress.

Legal Principle(s)

A court may not award compensation for distress without a party having first requested it.

Outcome

Appeal granted in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Debebe

Entity

ECA

Case Number(s)

2012-315

Tribunal

UNAT

Registry

New York

Date of Judgement

28 Mar 2013

President Judge

Judge Simón

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Compensation

Non-pecuniary (moral) damages

Staff selection (non-selection/non-promotion)

Related Judgments and Orders

UNDT/2012/019