

2013-UNAT-346, Goodwin

UNAT Held or UNDT Pronouncements

UNAT considered appeals by both Mr Goodwin and the Secretary-General limited to the issue of compensation. Noting that UNDT declined to award pecuniary damages, UNAT held (with Judge Faherty dissenting) that there was no error of law or fact on the part of UNDT such as would entitle UNAT to interfere with the findings of UNDT. UNAT was satisfied that the Appellant had been properly compensated for moral damages. UNAT held that the substantive and procedural breaches identified by UNDT of themselves merited an award of moral damages because of the harm caused to Mr Goodwin, namely his having been subjected to an improper and unlawful disciplinary process and an unlawful reassignment. UNAT did not find any error of law or fact on the part of UNDT in compensating the staff member for the stigma which UNDT quite properly found attached to him as a result of the Administration's actions. UNAT dismissed both appeals.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision to first withdraw and then reinstate an administrative reprimand, and the decision to transfer him from his post with UNMIS. UNDT found for the Applicant, awarding USD 30,000 in moral damages.

Legal Principle(s)

The trial judge is best placed to assess the nature and evidential value of the information being provided by an applicant to UNDT to justify an award of damages, including pecuniary damages. Damages for moral injury may arise from a breach of the employee's substantive entitlements arising from his or her contract of employment or from a breach of the procedural due process entitlements therein guaranteed; where the breach is of a fundamental nature, the breach may, of itself, give rise to an award of moral damages, not in any punitive sense for the fact of the

breach having occurred, but rather by virtue of the harm to the employee.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Goodwin

Entity

UNMIS

Case Number(s)

2012-388

2012-389

Tribunal

UNAT

Registry

New York

Date of Judgement

28 Jun 2013

President Judge

Judge Faherty

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Compensation

Non-pecuniary (moral) damages

Pecuniary (material) damages

Applicable Law

UNAT Statute

- Article 2.1(c)
- Article 2.1(e)

Related Judgments and Orders

UNDT/2012/126

2011-UNAT-109

2010-UNAT-009

UNDT/2011/126

2011-UNAT-117

2013-UNAT-309

2010-UNAT-044