

# **2013-UNAT-371, Brisson**

## UNAT Held or UNDT Pronouncements

UNAT noted that there had been a policy change in 1997 which meant that staff members who requested pension as a result of an accident suffered in the service of the Organisation post-1997 were granted it with the proviso that it would only be paid until they retired. UNAT held that, as the Appellant's accident occurred long after the policy change in 1997, the changed policy was applicable. UNAT held that as the Appellant had reached retirement age at the time of the incapacitating injury, his appeal had to be dismissed. UNAT dismissed the appeal.

## Decision Contested or Judgment/Order Appealed

UNRWA DT judgment: The Applicant contested the decision of the Advisory Board on Compensation Claims (ABCC) not to compensate him for his loss of future earning capacity, as a result of injuries suffered during a bombing on official duty. UNRWA DT considered that there was no obligation on the part of the Organisation to compensate claimants for the loss of earning capacity beyond their normal age or retirement. UNRWA DT found that the application was not receivable *ratione materiae*.

## Legal Principle(s)

A decision not to compensate can be challenged as the Administration has the duty to act fairly, justly and transparently in dealing with its staff members.

## Outcome

Appeal dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Brisson

## Entity

UNRWA

## Case Number(s)

2012-422

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

17 Oct 2013

## Language of Judgment

English

French

## Issuance Type

Judgment

## Categories/Subcategories

Benefits and entitlements

Compensation for injury, illness or death attributable to service (Appendix D to Staff Rules)

## Applicable Law

### UNRWA DT Statute

- Article 2

### UNRWA International Staff Regulations

- Regulation 11.1(A)

### UNRWA International Staff Rules

- Appendix A
- Rule 1
- Rule 11.2

## Related Judgments and Orders

2011-UNAT-153

2012-UNAT-201