

# **2014-UNAT-427, Simmons**

## UNAT Held or UNDT Pronouncements

UNAT found that the facts were not disputed in this case. UNAT found that the appeal addressed errors of law and fact, maintaining that the Organisation was liable for accidents that occur on the way home, either directly or by a detour. UNAT held that the UNDT judgment very clearly stated the applicable law in Appendix D of the Staff Rules and that there was no error in the ABCC's practice not to cover injuries sustained during travel to and from work by an indirect route. UNAT dismissed the appeal and affirmed the UNDT judgment.

## Decision Contested or Judgment/Order Appealed

UNDT Judgment: The Applicant contested the decision of the Advisory Board on Compensation Claims (ABCC) to deny her compensation for the vehicular accident when commuting back from work. In Judgment No. UNDT/2013/059, UNDT dismissed the application.

## Legal Principle(s)

Appendix D of the Staff Rules establishes principles and definitions governing compensation for injuries "as a direct result of travelling by means of transportation furnished by or at the expense or direction of the United Nations in connexion with the performance of official duties; provided that the[se] provisions [ ... ] shall not extend to private motor vehicle transportation sanctioned or authorized by the UN solely on the request and for the convenience of the staff member".

## Outcome

Appeal dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Simmons

## Entity

OPPBA

## Case Number(s)

2013-484

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

2 Apr 2014

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Benefits and entitlements

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

## Applicable Law

### Staff Rules

- Appendix D

### UNAT Statute

- Article 2

## Related Judgments and Orders

UNDT/2013/059