

# 2014-UNAT-467, Goodwin

## UNAT Held or UNDT Pronouncements

UNAT considered the Secretary-General's appeal and Mr Goodwin's cross-appeal. UNAT rejected the Secretary-General's submission that UNDT erred by awarding excessive compensation to Mr Goodwin. UNAT relied on Larkin (judgment No. 2011-UNAT-134) on the UNDT's discretion to determine the amount of damages. Noting the long period before Mr Goodwin before returning to full service and that the amount of compensation awarded was based on the JAB's recommendation, UNAT found that compensation in the amount of two years' net base salary was reasonable. In considering whether UNDT erred in concluding that the Organisation condoned the unauthorised dissemination of information and basing the award of compensation, in part, on that conclusion, UNAT found no error. UNAT relied on Lutta (judgment No. 2011-UNAT-117), where UNAT stated that it would respect the opinion of the trial judge, as the trial judge is best placed to assess the nature and evidential value of evidence submitted to justify its findings and award of damages. UNAT rejected the Secretary-General's argument that UNDT erred by failing to take into account the compensation already awarded for harm to Mr Goodwin's reputation based upon the same injury and the same set of facts. UNAT noted that the present case involved claims arising out of events following the period of Mr Goodwin's SLWFP and that the amount of USD 30,000 was awarded as compensation for the harm caused to his career prospects and reputation as exacerbated by delay. In considering Mr Goodwin's cross-appeal, UNAT also rejected his claims. UNAT considered whether UNDT erred by declining to award compensation for specific financial losses and emotional stress and held that Mr Goodwin was precluded from raising these new issues as he previously failed to mention these specific harms. UNAT considered Mr Goodwin's argument that UNDT erred by declining to award costs and compensation for the delay. UNAT noted that while UNDT did err in failing to address Mr Goodwin's claim for costs, this error caused no harm to Mr Goodwin since the circumstances of his case did not justify an award of costs. UNAT rejected this claim. UNAT dismissed both the appeal and cross-appeal and affirmed the UNDT judgment.

## Decision Contested or Judgment/Order Appealed

Mr Goodwin sought rescission of the Respondent's rejection of the findings and recommendation of the Joint Appeals Board (JAB). The JAB found that the Respondent engaged in actions that constituted a fundamentally serious and damaging violation of Mr Goodwin's due process rights as well as to his reputation, and recommended compensation. UNDT ordered compensation in the amount of two years' net base salary effective from the date of Mr Goodwin's placement on Special Leave With Full Pay (SLWFP).

## Legal Principle(s)

UNDT has the discretion to determine the amount of damages awarded, taking into account the circumstances of the case. The trial judge is best placed to assess the nature and evidential value of evidence submitted to justify its findings and award damages. An appellant is precluded from raising new issues that could have been brought at the first-instance tribunal. A delay, in and of itself, is not a manifest abuse of proceedings. In order to award costs against the Secretary-General for a delay, it is necessary that the Secretary-General had manifestly abused the proceedings in doing so.

## Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Goodwin  
Entity  
UNAMIS  
Case Number(s)  
2013-539  
Tribunal  
UNAT  
Registry  
New York  
Date of Judgement  
17 Oct 2014  
President Judge  
Judge Adinyira  
Language of Judgment  
English  
Issuance Type  
Judgment  
Categories/Subcategories  
Compensation  
Pecuniary (material) damages  
Related Judgments and Orders  
UNDT/2013/111  
UNDT/2011/123  
2012-UNAT-215  
2011-UNAT-134  
UNDT/2012/126  
2011-UNAT-117  
2011-UNAT-123  
2013-UNAT-292  
2010-UNAT-056  
2013-UNAT-370