

2015-UNAT-538, Bezzicheri

UNAT Held or UNDT Pronouncements

UNAT held that UNDT erred in unilaterally establishing new starting points for the time to run for the purpose of filing claims with the ABCC that were contrary to the express text of Article 12 of Appendix D to the Staff Rules. UNAT held that this was a case where the staff member failed to appreciate the filing deadlines. UNAT held that ignorance of the law was no excuse for missing deadlines. UNAT held that it was open to the ABCC to find that the Appellant's explanation for her delay did not constitute exceptional circumstances justifying the waiving of the four-month time limit prescribed in Article 12 of Appendix D. UNAT held that UNDT clearly erred in embarking upon an exercise to establish from when time limits should run and finding otherwise than in accordance with the ABCC. UNAT affirmed the decision that the Appellant's compensation claim was filed out of time and that her explanation for the delay was not sufficient to justify waiving the time limits prescribed. UNAT rejected the Appellant's claim for compensation and legal costs. UNAT granted the appeal and vacated the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the Secretary-General's decision to reject her compensation claim as time-barred. UNDT found the application receivable. UNDT found, in part, in favour of the Applicant, ordering partial rescission of the Advisory Board on Compensation Claims (ABCC) decision and remanding a sub-claim back to the ABCC for its consideration.

Legal Principle(s)

Staff members must ensure they are aware of the Staff Regulations and Rules and the applicable procedures in the context of the administration of justice in the UN internal justice system. Ignorance of the law is no excuse for missing deadlines.

Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Bezzicheri

Entity

UNODC

Case Number(s)

2014-615

Tribunal

UNAT

Registry

New York

Date of Judgement

2 Jul 2015

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

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

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Applicable Law

Secretary-General's bulletins

UNAT Statute

- Article 2.1

Related Judgments and Orders

UNDT/2014/037

2015-UNAT-521

2014-UNAT-470

2012-UNAT-218

2011-UNAT-184

2014-UNAT-472

2010-UNAT-067