

2016-UNAT-681, Karseboom

UNAT Held or UNDT Pronouncements

UNAT considered Mr Karseboom's application for interpretation of judgment regarding UNAT's judgment delivered on 30 October 2015, with respect to: (i) whether moral damages awarded by the UNDT were still payable; and (ii) whether the Appeals Tribunal required a medical board to be convened. UNAT found that Mr Karseboom failed to identify any sentences or words in the judgment that were unclear or ambiguous. UNAT accordingly dismissed the application for interpretation of judgment.

Decision Contested or Judgment/Order Appealed

UNDT judgment: Mr. Karseboom contested the Secretary-General's decision to deny his request for compensation on the grounds that he had not sustained any degree of permanent loss of function due to his leg and knee injuries, and that his spinal injury would not be recognized as service-incurred. UNDT held that the Advisory Board on Compensation Claims (ABCC) had not followed the procedures for reconsideration provided for in Article 17 of Appendix D and that the decision of the Secretary-General on the request for reconsideration was made on the basis of an invalid process and was therefore unlawful and void. UNDT further found that the ABCC made its recommendation based on uncertain facts and inferences which were derived improperly, from the absence of evidence. Additionally, UNDT found that there were significant delays in the processing of Mr. Karseboom's claim for his back injury. UNDT awarded him USD 150,104 for material damages and three months' net base salary as of 20 April 2011 for moral damages. Previous UNAT judgment: The Secretary-General filed an appeal to UNAT. UNAT found that UNDT, by making medical findings which it was not competent to make and thereby awarding Mr. Karseboom material and moral damages, exceeded its competence and committed errors of law and procedure. UNAT, therefore, set aside the UNDT Judgment and remanded the case to the ABCC to convene a medical board.

Legal Principle(s)

Interpretation is only needed to clarify the meaning of a judgment when it leaves reasonable doubts about the will of the Tribunal or the arguments leading to a decision. But if the judgment is comprehensible, whatever the opinion of the parties may have about it or its reasoning, an application for interpretation is not admissible.

Outcome

Revision, correction, interpretation or execution

Full judgment

[Full judgment](#)

Applicants/Appellants

Karseboom

Entity

MONUSCO

Case Number(s)

2016-890

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Jun 2016

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Judgment-related matters

Interpretation of Judgment

Applicable Law

UNAT Statute

- Article 11.3

Related Judgments and Orders

2013-UNAT-315

2015-UNAT-601