

2016-UNAT-697, Nwuke

UNAT Held or UNDT Pronouncements

UNAT considered the Secretary-General's appeal and found that UNDT erred in law and fact by awarding a remedy to Mr Nwuke. UNAT held that the violation of Mr Nwuke's due process rights did not, in and of itself, entitle him to an award of damages and that there was no evidence of any pecuniary loss or harm suffered by Mr Nwuke as a result of said violation. Moreover, UNAT held that not every violation of a staff member's right will necessarily lead to an award of compensation and there are no legal grounds that can justify such an award when no actual prejudice is found. UNAT accordingly upheld the appeal and vacated UNDT's judgment, with the exception of its findings of non-receivability in paragraphs 61 and 68(d) of the judgment.

Decision Contested or Judgment/Order Appealed

Mr Nwuke contested the decision to not award him remedies for the violation of his procedural rights. UNDT found that the Secretary-General's decision to not grant a remedy to Mr Nwuke was "perverse" and ordered three months' net base salary as compensation for the breach of Mr Nwuke's due process rights.

Legal Principle(s)

Not every violation of a staff member's right will necessarily lead to an award of compensation; there must be evidence of pecuniary loss or harm suffered as a result of the violation.

Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Nwuke

Entity

ECA

Case Number(s)

2016-927

Tribunal

UNAT

Registry

New York

Date of Judgement

28 Oct 2016

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Remedies

Compensation (see also, Compensation)

Applicable Law

UNDT Statute

- Article 10.5(b)

Related Judgments and Orders

UNDT/2016/021

2015-UNAT-501

2015-UNAT-518

2016-UNAT-661