

# **2018-UNAT-858, Langue**

## UNAT Held or UNDT Pronouncements

UNAT considered an appeal by the Secretary-General. UNAT held that there was no sufficient evidence before UNDT to justify its findings of “moral injury”. UNAT held that UNDT erred when it awarded compensation on a claim of “moral injury” without the support of evidence, apart from the testimony of the Appellant. UNAT upheld the appeal and vacated the UNDT judgment regarding the award of compensation for moral harm.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the amount of separation entitlements she received following her resignation from UNICEF. UNDT rejected the request to grant the Applicant a termination indemnity, finding that the termination indemnities may only be paid to staff members whose contracts have been terminated by the SG but not to those who have resigned. UNDT found, however, that the UNICEF Administration had failed to fulfil its duty of timely payment of the lump sum in lieu of accompanied shipment. UNDT denied the plea for pecuniary damages and awarded the Applicant compensation for moral damages for the distress caused by the delay in payment. UNDT partially granted the application.

## Legal Principle(s)

Evidence of moral injury consisting exclusively of the testimony of the complainant is not sufficient without corroboration by independent evidence (expert or otherwise) affirming that non-pecuniary harm has indeed occurred.

## Outcome

Appeal granted

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Langue

## Entity

UNICEF

## Case Number(s)

2018-1151

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

29 Jun 2018

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Benefits and entitlements

Compensation

Non-pecuniary (moral) damages

## Applicable Law

### Staff Regulations

- Regulation 9.3(c)
- Regulation 9.6(c)

### UNDT Statute

- Article 10.5

## Related Judgments and Orders

UNDT/2017/092

2017-UNAT-742