

2018-UNAT-864, Delaunay

UNAT Held or UNDT Pronouncements

UNAT considered the Appellant's appeal, requesting compensation for moral damages, compensation for costs for legal representation, and request for interest. UNAT referred to Article 9(1)(b) of the UNAT Statute, which states that compensation may only be awarded for harm suffered that is supported by evidence. UNAT agreed with the ICJ Registrar that the ICJ was not responsible for the delays, but rather demonstrated good faith in bringing about an arrangement favourable to the Appellant. UNAT accordingly rejected the Appellant's request for compensation. UNAT also referred to Article 9(2) of the UNAT Statute, which states that the Appeals Tribunal may only award costs against a party when that party has manifestly abused the appeals process. UNAT held that the ICJ Registrar did not manifestly abuse the appeals process such as to merit an award of costs for legal representation. UNAT further held that the Appellant was estopped from claiming interest because she did not challenge the Pension Fund's decision and rejected her claim for interest. UNAT accordingly dismissed the application.

Decision Contested or Judgment/Order Appealed

The individual previously sought compensation from the ICJ Conciliation Committee in response to the United Nations Joint Staff Pension Fund (UNJSPF) refusing to transfer her pension funds. Finding that it did not have the competence to issue recommendations vis-à-vis the Pension Fund, the Conciliation Committee recommended that the ICJ approach the Pension Fund in order to obtain a definitive decision by the United Nations Joint Staff Pension Board which the individual could then challenge before the Appeals Tribunal. The individual filed an application with UNAT, which ordered her to provide clarification as to which claims contained in her original appeal she sought to pursue and to produce any relevant documents, including the decision of the Standing Committee. The individual provided submissions in response to the order.

Legal Principle(s)

Compensation may only be awarded for harm suffered that is supported by evidence. The mere allegations of a staff member that he or she suffered emotional stress or anxiety are not considered to be such evidence under the jurisprudence of the Appeals Tribunal. The Appeals Tribunal may only award costs against a party when that party has manifestly abused the appeals process.

Outcome

Appeal dismissed on merits

Outcome Extra Text

No relief ordered.

Full judgment

[Full judgment](#)

Applicants/Appellants

Delaunay

Entity

UNJSPF

Case Number(s)

2017-1091

Tribunal

UNAT

Registry

New York

Date of Judgement

26 Oct 2018

President Judge

Judge Knierim

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Compensation

Non-pecuniary (moral) damages

Applicable Law

UNAT Statute

- Article 9.1(b)
- Article 9.2

Related Judgments and Orders

2018-UNAT-858

2017-UNAT-742