2019-UNAT-910, Newland

UNAT Held or UNDT Pronouncements

UNAT-820. UNAT held that, given that Mr Newland had already been paid Special Post Allowance, Hazard pay, and outstanding interest, the only questions requiring determination were whether he was entitled to payment of Rest and Recuperation (R&R), free tickets, and the relocation grant. UNAT accepted that there was a degree of uncertainty regarding these questions. UNAT held that Mr Newland's claim that he was entitled to the payment of R&R was unsustainable, as it was not an accruable benefit or entitlement. UNAT held that Mr Newland's claim for free tickets to travel to the place of R&R was unsustainable as the Organisation provided free transportation. UNAT held that Mr Newland's claim for relocation grant was not part of the execution of the judgment. UNAT declared that the Administration had finalised its execution of judgment No. 2018-UNAT-820.

Decision Contested or Judgment/Order Appealed

Previous UNAT judgment: In judgment No. 2018-UNAT-820, UNAT dismissed the appeal against the decision of UNDT on receivability. UNAT held that the Appellant's appeal against UNDT's failure to determine if the Secretary-General was in noncompliance with the suspension order was well-founded. UNDT had granted relief with the express intention of staying the Applicant's separation from service until the dispute was resolved. Accordingly, UNAT ordered the Appellant to be paid his full salary and all associated entitlements and benefits for the period from the date of the suspension order under the UNDT judgment, together with interest, within 30 days of the issuance of judgment No. 2018-UNAT-820. Subsequently, the Administration made three payments to the Appellant without the interest mandated by UNAT. The Administration also denied the Appellant's request for a relocation grant for his previous relocation.

Legal Principle(s)

An application for interpretation of judgment will be admitted if the parties disagree on the meaning or scope of the judgment because it is unclear or ambiguous.

Outcome

Appeal dismissed on merits

Full judgment

Full judgment

Applicants/Appellants

Newland

Entity

UNSOS

Case Number(s)

2018-1204

Tribunal

UNAT

Registry

New York

Date of Judgement

29 Mar 2019

President Judge

Judge Murphy

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Benefits and entitlements
Relocation grant
Rest and Recuperation
Judgment-related matters
Interpretation of Judgment

Applicable Law

Administrative Instructions

• ST/AI/2011/7

UNAT Statute

• Article 11.3

Related Judgments and Orders

2018-UNAT-820