

# 2019-UNAT-910, Newland

## UNAT Held or UNDT Pronouncements

UNAT considered Mr Newland's application for interpretation of judgment No. 2018-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 non-compliance 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

TEST -Rename- Benefits and entitlements-45

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