

2020-UNAT-1040, Robinson

UNAT Held or UNDT Pronouncements

UNAT held that UNDT did not err in the amount of compensation it awarded, having considered all relevant circumstances, including the mitigating factor of the Appellant securing new employment. UNAT held that UNDT did not commit an error of law or make manifestly unreasonable factual findings in its award of financial damages. UNAT held that UNDT did not err in law, and followed binding UNAT precedent, by refusing to award moral damages based solely on the Appellant's testimony. UNAT noted that the Appellant had had the opportunity before UNDT to apply to adduce the relevant evidence but had failed to do so and that there was no obligation on UNDT to request this evidence. UNAT held that absent exceptional circumstances, additional evidence (in this case, medical certificates) could not be accepted into evidence on appeal as the Appellant knew the need for the additional evidence and had had the opportunity to present it to UNDT. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the Administration's decision not to renew his appointment. UNDT found that the Respondent's refusal to give reasons for the impugned decision was unlawful and that the non-renewal was due to an improper purpose. UNDT partially granted the application and awarded compensation for financial damage for the unlawful separation. It declined to award moral damages, as the Applicant relied solely on his testimony to support his claim.

Legal Principle(s)

UNDT has discretion in assessing compensation and is best placed as the trier of fact to assess the nature and weight of the evidence before it. Harm for which compensation is requested must be supported by evidence beyond a staff member's

testimony alone. There is no obligation on UNDT to request evidence from the parties, particularly when both are represented by counsel. UNDT must follow UNAT precedents.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Robinson

Entity

ECA

Case Number(s)

2019-1335

Tribunal

UNAT

Registry

New York

Date of Judgement

26 Jun 2020

President Judge

Judge Sandhu

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Compensation

Duty of mitigation

Non-pecuniary (moral) damages

Evidence

Corroboration/hearsay

Separation from service

Expiration of appointment (see also, Non-renewal)

Applicable Law

UNAT RoP

- Article 10.1

UNAT Statute

- Article 2.5
- Article 9.1(b)

UNDT Statute

- Article 10.5

Related Judgments and Orders

UNDT/2019/137

2019-UNAT-899

2017-UNAT-764

2014-UNAT-469

2017-UNAT-791

2017-UNAT-712

2015-UNAT-525

2017-UNAT-742

2018-UNAT-858

2018-UNAT-847

2019-UNAT-926