

2020-UNAT-1074, Patsy Bello

UNAT Held or UNDT Pronouncements

UNAT held that the Appellant did not contest the decision to separate her from the Organisation, thus the SAB was not seized with her separation and her appeal on that issue was not receivable. UNAT held that the Appellant's claims for compensation for pain, suffering, and medical expenses were beyond the scope of the case and therefore not receivable. UNAT held that the IMO Secretary-General's decision to place the Appellant on sick leave was based on sound medical evidence which was not rebutted at the time and that there was no basis to set aside that decision. UNAT held there was no basis for it to re-visit the issue of whether the Appellant's injury was service-incurred or if she was denied any entitlements for that injury, on the basis that she did not appeal that decision. On the claim against the decision to be placed on half-pay, UNAT held that it was not receivable *ratione materiae* as the Appellant had not complied with the deadline to contest it. On the claim that the IMO was in breach of duty for the delay in providing the Appellant with information regarding an application to the UNJSPF, UNAT held that the Appellant had provided no basis to grant her relief. UNAT refused to award costs to either party on the basis that there was no evidence that either party manifestly abused the appeals process. UNAT dismissed the appeal and affirmed the decision of the SAB.

Decision Contested or Judgment/Order Appealed

The Applicant contested the administrative decision of the IMO Staff Appeals Board (SAB) which dismissed her various claims regarding sick leave and other entitlements related to her absence from work on account of injury.

Legal Principle(s)

An award of costs may be made only where a party has manifestly abused the appeals process.

Outcome

Appeal dismissed on merits

Outcome Extra Text

No relief ordered; No relief ordered

Full judgment

[Full judgment](#)

Applicants/Appellants

Patsy Bello

Entity

MONUSCO

Case Number(s)

2020-1379

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Oct 2020

President Judge

Judge Murphy

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Jurisdiction / receivability (UNAT)

Subject matter (ratione materiae)

Applicable Law

IMO Staff Regulations and Rules

- Rule 106.1
- Rule 111.2(a)

UNAT Statute

- Article 9.2

UNJSPF Regulations

- Article 33(a)