

2022-UNAT-1257, Alex Lucchini

UNAT Held or UNDT Pronouncements

Mr. Lucchini and the Secretary-General disagreed on whether UNAT confirmed the UNDT's award of compensation for moral damages, in addition to increasing the amount of in lieu compensation from 10 months to 24 months, or ordered payment of the increased amount of compensation in lieu (of two years' net base salary) but did not include the original award of compensation for moral harm that had been ordered by the UNDT. Mr. Lucchini filed an application for interpretation seeking confirmation of his view that UNAT's ruling increased the amount of in lieu compensation from 10 to 24 months' net base pay and that the UNDT's award of moral damages in the amount of 10 months' net base pay remained unmodified. UNAT held that an application for interpretation will be admitted if the parties disagree on the meaning or scope of a judgment because it is unclear or ambiguous. UNAT held that Mr. Lucchini's application did not meet the strict and exceptional criteria under the Statute for a request for interpretation of a judgment. UNAT noted that it clearly stated in the operative part of its Judgment that it increased the amount of compensation in lieu to address Mr. Lucchini's loss of salary and medical expenses, while it did not maintain the original award of compensation for moral harm that had been ordered by the UNDT. It therefore rejected the application for interpretation.

Decision Contested or Judgment/Order Appealed

Mr. Lucchini filed an application with the UNDT challenging the administrative decision to separate him from service following disciplinary proceedings, with compensation in lieu of notice and without termination indemnity. By Judgment No. UNDT/2020/090, the UNDT granted Mr. Lucchini's application in part, rescinded the administrative decision and set in lieu compensation equivalent to remuneration payable for the time remaining on his fixed-term appointment. The UNDT also awarded an additional 10 months' net base salary in moral damages for loss of salary and for proven medical difficulties that he faced while on administrative leave

without pay (ALWOP). The Secretary-General filed an appeal and Mr. Lucchini filed a cross-appeal. In Judgment No. 2021-UNAT-1121, UNAT held that the UNDT erred by treating pecuniary harm (loss of salary and medical expenses during ALWOP) as a form of moral damages. It further held that an adequate award of compensation in lieu would compensate Mr. Lucchini for his other losses and that the evident unfairness of the termination in this case justified payment of the maxim compensation in lieu equivalent of two years' net base salary. Accordingly, UNAT dismissed the Secretary-General's appeal and granted the cross-appeal to a limited extent, modifying the order of the UNDT by an order rescinding the contested decision and setting in lieu compensation in an amount equivalent to two years' net base pay.

Legal Principle(s)

Whether or not an application for interpretation of a UNAT judgment will be admitted lies within the discretion of the Appeals Tribunal. An application for interpretation will be admitted, if the parties disagree on the meaning or scope of a judgment because it is unclear or ambiguous.

Outcome

Revision, correction, interpretation or execution

Outcome Extra Text

Mr. Lucchini's application for interpretation is dismissed.

Full judgment

[Full judgment](#)

Applicants/Appellants

Alex Lucchini

Entity

UN Secretariat

Case Number(s)

2021-1606

Tribunal

UNAT

Registry

New York

Date of Judgement

15 Aug 2022

President Judge

Judge Raikos

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Interpretation of Judgment

Judgment-related matters

Applicable Law

UNAT RoP

- Article 25

UNAT Statute

- Article 11.3

Related Judgments and Orders

2019-UNAT-910

2018-UNAT-827