

# UNDT/2023/001, Ular

## UNAT Held or UNDT Pronouncements

The Tribunal held that there was insufficient evidence to support the conclusion that any distress caused to the Applicant was a result of the failure to resolve the harassment complaint and therefore an essential link in the requirement to prove moral damages had not been established by the evidence. The Tribunal noted that the finding that there was abuse of power was not based on an administrative act which was part of the Applicant's application. The Applicant claimed that the delay was part of the harassment meted out by the Administration. However, she never provided evidence to link the delay to the allegation of harassment.

## Decision Contested or Judgment/Order Appealed

On 3 May 2019, the Applicant filed an application with the Dispute Tribunal. The Applicant described the decisions she challenged as: (a) continued harassment, unfair treatment and abuse of authority that cannot be classified as one single decision; (b) breach of several rules and regulations; (c) not being considered and bypassed for promotion on several occasions resting with a decision made on 22 January 2019; (d) not being compensated for work performed at a higher level; and (e) failure to address a claim for sexual harassment and abuse. In Judgment No. UNDT/2020/221, rendered on 31 December 2020, the Dispute Tribunal dismissed two of the Applicant's claims but found that the Respondent had abused his authority in mishandling the sexual harassment complaint. The Applicant appealed the Dispute Tribunal's Judgment. On 18 March 2022, the Appeals Tribunal rendered Judgment No. 2022-UNAT-1212 remanding the case to the UNDT. The remand was limited to consideration of an award in damages for mishandling her sexual harassment complaint as well as damages for harassment, unfair treatment, and abuse of authority.

## Legal Principle(s)

Kebede 2018-UNAT-874 sets out the three elements contributing to compensation for harm. This harm must be established by convincing medical evidence. Secondly there must be a legal breach committed by the Administration and thirdly there must be a link between the damage caused and the breach committed by the Administration.

## Outcome

Appeal dismissed on merits

## Outcome Extra Text

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Ular

## Entity

MONUSCO

## Case Number(s)

UNDT/NBI/2019/46/R1

## Tribunal

UNDT

## Registry

Nairobi

## Date of Judgement

11 Jan 2023

## Duty Judge

Judge Belle

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Evidence of harm  
Compensation

## Applicable Law

UNAT Statute

- Article 10.5(b)

## Related Judgments and Orders

2018-UNAT-874