

2025-UNAT-1518, Humphreys

Timothy Shumba

UNAT Held or UNDT Pronouncements

The UNAT held that, since the purpose of compensation in lieu is to place a staff member in the same position he or she would have been had the Organization complied with its contractual obligations, the net base salary to be paid in accordance with the UNAT Judgment was the net base salary that the former staff member would have earned at the date of the contested decision and his separation from service, namely 20 May 2021. Therefore, the UNAT concluded that the Secretary-General's calculation of two years' net base salary was appropriate.

The UNAT further held that the deductions made for pension contributions and medical scheme benefits were consistent with the purpose of compensation and the rationale for the award being the net base salary, which presumes standard deductions from the gross base salary.

As for the exchange rate used, the UNAT found no basis for the former staff member's claim, noting that it fell outside the scope of an application for interpretation.

The UNAT admitted in part the application for interpretation.

Decision Contested or Judgment/Order Appealed

Previous UNAT Judgment: The Applicant, a former staff member of the United Nations Population Fund (UNFPA), contested the decision of the Administration to summarily dismiss him for serious misconduct for allegedly sexually harassing, abusing, and exploiting a young person.

The UNDT concluded that the disciplinary measure imposed on the applicant was lawful and dismissed its application. In its Judgment No. 2023-UNAT-1384, the UNAT reversed the UNDT Judgment, rescinded the contested decision and fixed the compensation in lieu of rescission at two years' net base salary.

Former staff member applied for interpretation of Judgment No. 2023-UNAT-1384, seeking guidance regarding the meaning and scope of the term "net base salary" as used in the UNAT Judgment.

Legal Principle(s)

An application for interpretation will be admitted only if the meaning or scope of a judgment is unclear or ambiguous. Interpretation is only needed to clarify the meaning of a judgment when it leaves reasonable doubts about the will of the Tribunal or the arguments leading to a decision.

An application for interpretation is the appropriate mechanism to clarify the starting point for calculating compensation in lieu and, specifically, to clarify whether the compensation in lieu and the net base salary should be calculated as of the date of the judgment, rather than the date of the staff member's separation from service.

The very purpose of compensation is to place a staff member in the same position he or she would have been in had the Organization complied with its contractual obligations. Accordingly, when calculating the quantum of compensation, it must be set as of the date of the breach of the staff member's contractual rights and not the date of judgment.

Outcome

Revision, correction, interpretation or execution

Outcome Extra Text

Application for interpretation is granted in part.

Full judgment

[Full judgment](#)

Applicants/Appellants

Humphreys Timothy Shumba

Entity

UNFPA

Case Number(s)

2024-1917

Tribunal

UNAT

Registry

New York

Date of Judgement

16 Apr 2025

President Judge

Judge Savage

Judge Forbang

Judge Sandhu

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Interpretation of Judgment
Judgment-related matters

Applicable Law

UNAT RoP

- Article 25

UNAT Statute

- Article 10.6
- Article 11.3

Related Judgments and Orders

UNDT/2022/103
2023-UNAT-1384
2013-UNAT-315
2022-UNAT-1274
2021-UNAT-1148
2011-UNAT-162