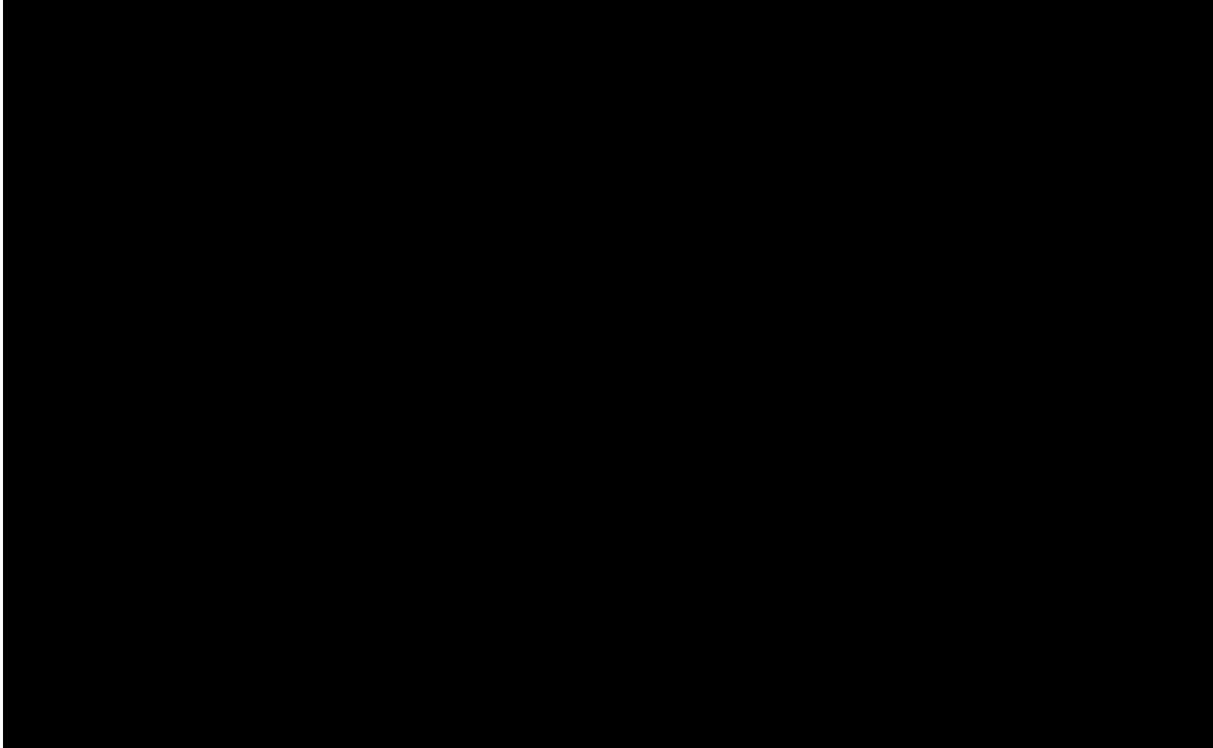


Judgment No. 2019-UNAT-899



Counsel for Appellant: Amer Abu-K alaf! "#\$A

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- m for t e post of . 3CA+ , - n t e 9A#.

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. - spute Tr- bunal.

6. #n 16 June 2018! t e UN%OA . - spute Tr- bunal - ssted judgment and found t at t e  
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deteriorated due to the emotional harm caused by the hearing (see: panel's comments and the respondent's submissions). As our first request, we request the Appeals Tribunal to award the maximum possible compensation for the serious moral damages in the amount of: 5 years' net base salary of 1 US\$ 4,882.4

9. The applicant further argues that the presented evidence of the UN/OA. That the: as submitted to management and abuse of power and requested the UN/OA. To refer the case to the Commissioner-General for accountability. + also: the UN/OA. That failed to refer the case to the Commissioner-General for accountability.

! ! "#

10. The Commissioner-General requests the Appeals Tribunal

16. The Commissioner-General argues that \* r. As our adm- ts - n - s  
- s appl- & - on and - s barred from do- ng so forrste- me on appeal. \* r. As our adm- ts - n - s

process: as anticipated by the regular terms and by the order of resolution of the decision not to select Mr. As our for the post of . 3CA+ , .

The amount of in-lieu compensation

18. Mr. As our contests the amount of the in-lieu compensation granted by the UN/OA. The Tribunal found that he failed to adduce any error of law or of fact leading to a manifestly unreasonable decision not to respect

18. The Tribunal settled the purpose of in-lieu compensation is to place the staff member in the same position he or she would have been in had the organization complied with





THE UNITED NATIONS APPEALS TRIBUNAL

burden of proof to establish the existence of negative consequences that are able to be considered damages resulting from the illegalities on a sufficient basis. Pursuant to the requirements of the Charter, the elements of the notion of responsibility are not-70! the illegalities can be declared but compensation cannot be awarded.<sup>16</sup>

62. The content of the report appears to have been some fluctuation. As our control of blood sugar level between 6 September 2015 and 19 September 2018, the time lapse since the 15 September 2015 intervention is as long enough to establish that the illegalities to which the applicant is referring due to the fact that she has already had diabetes leading to the operation on her abdomen. As our alone. Therefore, the interpretation of the reports needed to have been corroborated by additional evidence.

66. In respect of the fact that the respondent has appealed. As our medical report mentioned the possibility of producing additional evidence to complement the comparative results, she has never requested leave to present such evidence nor presented the evidence herself before the UNAOA. Therefore, the Appeals Tribunal. Consequently, the respondent has failed in her duty to provide sufficient evidence of an arm resulting from the impugned decision.

64. On the other hand, no error in the UNAOA. The Judgment is the matter.

Referral for accountability) Abuse of assets process

6; The respondent has not at the UNAOA. Therefore, not having referred the case to the Commissioner-General for action to enforce accountability: - that is to end the pre-70! and against people: - the patronage effect - stopping the respondents' + ealt, program and to improve the retirement process.

6B. The respondent's submission apart from the fact that she has not seen/ a referral in her application before the UNAOA. The previous decision regarding the previous submissions of alleged pre-70! and against the respondent's + ealt, program do not fall: - that is the

<sup>12</sup> \* *ihai v. Secretary-General of the United Nations*, Judgment No. 2018-UNAT-824, para. 21; and *+iatta v. Secretary-General of the United Nations*, Judgment No. 2018-UNAT-840, paras. 6795 (q30794s) 431] TJC/ R14 9.96840B acc%ccNN

scope of the present case and therefore should not be dealt with in this Judgment. \* oreo( er!  
despite the fact that \* r. As our referred to - s on- ss- ons - n t e or- g- nal appl- & t- on before  
the UN%OA . T and attached them as an annex to - s a

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