

TRIBUNAL

The Application and Procedural History

1. The Applicant is a Field Assistant at the United Nations Organisation
Stabiry

by the Applicant, which coupled with language issues, made for significant confusion.

10.

and (c) the Applicant has failed to request management evaluation of the decision to reassign him.

24. The Applicant provided the Tribunal with copies of his correspondence with various officials in the Mission, Headquarters in New York and the Office of Staff Legal Assistance seeking the assistance towards having his issues resolved. Included in the correspondence were several requests to be reassigned to a less difficult duty station.

DELIBERATIONS

25. The issue to be determined is whether the claim for compensation for the injuries suffered by the Applicant and the fact that he was not moved to another mission are receivable.

26. The Tribunal has jurisdiction to determine whether an administrative action was properly taken. This presupposes that a staff member who is challenging an administrative decision clearly identifies the decision he is seeking to challenge. The applicant must also comply with the *qua non* requirement of requesting management evaluation of the impugned decision within the stipulated timelines. The Tribunal is also “competent to review its own

compensation in the event of death, injury or illness attributable to the performance of official duties on behalf of the United Nation. An Advisory Board on Compensation Claims (ABCC) was established to make recommendations to the Secretary-General concerning claims for compensation under those rules.

30. Where a staff member is not satisfied with the determination made by the Secretary-General, that staff member may within a period of thirty days submit a request for reconsideration pursuant to art.17 of Appendix D to the Staff Rules. The decision of the Secretary-General pursuant to an art.17 request would be open to judicial scrutiny.

31. The court's scrutiny is however limited to determining whether all the procedural requirements relating to the merit and assessment of the claim have been complied with. The Tribunal has no jurisdiction to evaluate the amount of compensation a staff member is entitled to following injuries suffered in the course of employment.

32. In the absence of any evidence that the Applicant submitted a claim to the ABCC, the Tribunal has no jurisdiction to consider his claim for compensation for work related injury.

Decision

33. The Application is not ref emceialu-4.7(b)-5.3(le -16.289 -1.7272 TD -0.0004Tw ()Tj /TT4 1 T