
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2019/061
Order No.: 005 (NY/2020)
Date: 10 January 2020
Original: English

Introduction

1. The Applicant, a staff member with the United Nations Mission in Liberia (UNMIL), contests the Secretary-General decision accepting the recommendation of the Advisory Board on Compensation Claims (ABCC) awarding USD30,412.29 for a 28 percent permanent loss of function of the whole person under art. 11.3(c) of the Appendix D to the Staff Rules . The Applicant claims that he is entitled to compensation at a higher level as well as other remedies. The application was initially filed with the Nairobi Registry on 2 October 2017.

2. On 19 July 2019, the case was transferred to the New York Registry, and on 21 November 2019, it was reassigned to the undersigned Judge.

Consideration

3. It is not disputed that the Applicant s injury sustained on 9 May 2007 is service-incurred as decided based on the ABCC s recommendation in 2012. The issue for the Tribunal is whether the Secretary-General s decision on the compensation payment for his injury is correct or whether he is entitled to additional compensation payments.

4. The Tribunal notes that art. 3 of the Appendix D provides that [t]he compensation payable under these rules shall be the sole compensation to which any staff member shall be the sole compensa D

f. The Applicant asked for award of disability pension in his request of 7 June 2017 (Annex 10 of the reply), but the Tribunal cannot find any information in the case file as to whether he was considered for and/or awarded any benefits under the Regulations of the Joint Staff Pension Fund;

g. In the Applicant's submission of 26 June 2018, the Applicant submitted that he would be separated from the Organization on 30 June 2018. The Tribunal does not have information on the current employment status of the Applicant and when he was separated if this is the case.

6. In light of the above,

IT IS ORDERED THAT:

7. By **4:00 p.m. on Monday, 20 January 2020**, the Respondent shall:

a. Provide a copy of the ABCC's addendum of 27 July 2017 provided to the Applicant;

b. Provide a copy of the ABCC's decision and notification to the Applicant in August 2017;

c. Explain the calculation method used to calculate the compensation for a 28 percent permanent loss of function of the whole person under art. 11.3(c) included in the ABCC's recommendation of 20 April 2017 and provide any rules and regulations concerning such calculation method, if not already submitted to the Tribunal;

d. Confirm if the ABCC considered and made a recommendation on the Applicant's request for the payment of all out-of-pocket medical expenses that had been supposedly approved by the MSD and provide supporting documentation, if not already submitted to the Tribunal;

- e. Confirm if the ABCC considered and made a recommendation as to whether the Applicant s injury constitutes partial or total disability under art. 11. 1 and 11.2 of the Appendix D and provide supporting documentation, if not already submitted to the Tribunal;
- f. Confirm if the Applicant was considered for and/or awarded any benefits under the Regulations of the Joint Staff Pension Fund and provide supporting documentation, if not already submitted to the Tribunal;
- g. Confirm the Applicant s current employment status and information about his separation, if this is the case, and provide supporting documentation, if not already submitted to the Tribunal.

(Signed)

Judge Joelle Adda

Dated this 10th day of January 2020