



UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D 'APPEL DES NATIONS UNIES

Judgment No. 2020-UNAT-1002



Massi

(Appellant)

v.

Secretary -General of the United Nations

Counsel for Mr. Massi:

Self-represented

Counsel for Secretary-General:

Patricia C. Aragonés

JUDGE JOHN RAYMOND MURPHY , PRESIDING .

1. Mr. Primo Massi, a former staff member, filed an application before the United Nations Dispute Tribunal (Dispute Tribunal or UNDT) challenging a 2019 letter he

compensation, moral damages in the amount of USD 9,000, and interest. Neither party appealed this Judgment.

9. On 29 April 2019, the Administrator of the Compensation Claims Service of UNOG wrote to Mr. Massi informing him that his compensation for loss of earning capacity under Article 11.2(d) of Appendix D of the Staff Rules would cease on 31 May 2019 as per the 2015 decision (the 2019 letter).

10. On 17 July 2019, Mr. Massi filed an application with the UNDT requesting execution of the 2016 Judgment and also identified the decision he was contesting as the decision of 29 April 2019 to discontinue his compensation. On 9 September 2019, the UNDT issued its Judgment on Receivability No. UNDT/2019/138 (the impugned Judgment) and dismissed the application as not receivable. The UNDT held that the application was not receivable as a request for execution because

Submissions

Mr. Massi's Appeal

13. Mr. Massi requests the Appeals Tribunal to order payments from 1 June 2019 onward in accordance with Article 11.1 and 11.2 of Appendix D in either monthly payments or a lump sum based on his life expectancy. He also requests compensation for moral and material damages as well as for costs.

14. Mr. Massi argues that the UNDT erred in finding that he had to first seek a management evaluation as the “judgment which required force of law based on the advice of medical practitioners” falls into the same category as those not requiring a management evaluation. He also argues that he had requested a management evaluation of the same identical issue on 22 June 2015 as referenced in the 2016 Judgment.

15. In addition, Mr. Massi argues that he has not been provided with any provisions that indicate that disability ends at the normal age of retirement. By decision of 29 October 2010, the Secretary-General combined the compensation awarded to him under Article 11.2(d) of the Appendix D with the disability benefit granted to him under the UNJSPF Regulations and Rules. In 2012, the United Nations Joint Staff

increase to compensate for the loss and even more so since he has received compensation for 72 per cent whereas he should have been receiving payment for 84 per cent.

18. Mr. Massi also filed a motion for addition^{8e35} a motion for f-npNoor

Judgment No. 2020-UNAT

former staff members should be treated differently to staff members or representatives of incapacitated or deceased staff members.⁷

35. Mr. Massi finally contends that a letter he wrote to the Secretary-General on 25 May 2019 should be construed as a request for management evaluation. Again, this contention would only be relevant if we had accepted that the 2019 letter was the relevant

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Judgment

38. The appeal is dismissed and Judgment No. UNDT/2019/138 is hereby affirmed.

Original and Authoritative Version: English

Dated this 27th day of March 2020.

Judge Murphy, Presiding
Cape Town, South Africa

Judge Colgan
Auckland, New Zealand

Judge Sandhu
Vancouver, Canada

Entered in the Register on this 19th day of June 2020 in New York, United States.

Weicheng Lin, Registrar