
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2018/052

Judgment No.: UNDT/2019/007

Date: 22 January 2019

Original: English

Before: Judge Ebrahim-Carstens

Registry: New York

Registrar: Nerea Suero Fontecha

GERMAN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Steven Dietrich, ALD/OHR, UN Secretariat

assignment occurs at least six months prior to the expected end of the
;

c. It is true that the extension of the assignment did not occur six months prior to the expected end of the assignment on 31 July 2018, but nobody advised the Applicant of this condition in January 2018, six months prior to the extension of his assignment. Should he have been advised of this condition in a timely manner, he would have decided to continue the assignment for one more year considering that his supervisor previously told him that he would agree to an extension of the assignment for one more year.

14.

a.

d. The Applicant was paid the correct relocation grant in accordance with ST/AI/2016/4.

one year or longer on 2 May 2018. This extension occurred less than six

UNVMC. Accordingly, sec. 17.4 of ST/AI/2016/4 excluded the Applicant from being paid the balance of the relocation grant.

Consideration

Applicable legal framework

15. Staff rule 7.15(h)(ii) provides:

Unaccompanied shipments for staff holding a temporary appointment or staff assigned for less than one year

(ii) A staff member holding a fixed-term or continuing appointment may be reimbursed for the shipment of personal effects and household goods, up to a maximum of 100 kilograms or 0.62 cubic metres, by the most economical means when on assignment for less than one year. Where the assignment is extended for a total period of one year or longer, the staff member shall be paid expenses for an additional shipment of personal effects and household goods up to the maximum entitlement established in paragraph (i) below on the

more than six months beyond the proposed date of arrival of the personal effects and household goods in line with staff rule 7.17 (b).

16. Staff rule 7.15(i) in turn reads:

Unaccompanied shipments for staff holding a fixed-term or continuing appointment appointed or assigned for one year or longer

(i) On travel or appointment or assignment for one year or longer or when an assignment is extended for a total period of one year or longer, on transfer to another duty station or on separation from service of a staff member, charges for the shipment of personal effects and household goods by the most economical means may be

relied to his detriment, but also that the applicant should have known the law. Finding that the applicant became a victim, partially of his own imprudence and partially of mistakes made by the administration, the Tribunal awarded the applicant compensation in the sum of USD25,000.

24. The Tribunal observes that the maxim

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not the subject matter of this case. Moreover, it is evident from the MEU letter that the issue regarding the loss of personal effects was the subject of a separate management evaluation which was deemed not receivable by letter dated 17 September 2018. It does not appear that the Applicant filed any claim with the Tribunal regarding that matter.

Conclusion

33. In view of all of the foregoing, the application is dismissed.

(Signed)

Judge Ebrahim-Carstens

Dated this 22nd day of January 2019

Entered in the Register on this 22nd day of January 2019

(Signed)

Nerea Suero Fontecha, Registrar, New York