



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2019/035
Judgment No.: UNDT/2020/208
Date: 10 December 2020
Original: English

Before: Judge Alexander W. Hunter, Jr.

Registry: New York

Registrar: Nerea Suero Fontecha

ARVIZU TREVINO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

ON RECEIVABILITY

Counsel for Applicant:

Laurence C. Fauth

Counsel for Respondent:

Alan Gutman, ALD/OHR, UN Secretariat

Introduction

1. On 17 May 2019, the Applicant filed an application contesting correspondence from the Secretary of the Advisory Board on Compensation Claims (“ABCC”) advising him that his claim for compensation under Appendix D to the Staff Rules (“Appendix D”) was not receivable. As a remedy, the Applicant requests the Dispute Tribunal to remand the matter to the ABCC for consideration of the case.

2. On 30 June 2019, the Respondent filed his reply submitting that the application is moot and should be dismissed. The Respondent stated that on 19 June 2019, the Secretary of the ABCC advised the Applicant that he would be submitting his claim for consideration by the ABCC.

3. For the reasons stated below, the Tribunal finds that the application is moot and it is dismissed in its entirety.

Facts

4. On 1 January 2006, the Applicant commenced his service with the United Nations.

5. On 29 July 2018, the Applicant filed a claim with the Secretariat of the ABCC under Appendix D to the Staff Rules for compensation for a service-incurred illness. The Applicant stated that the underlying illness was caused by harassment in the work place.

6. On 5 November 2018, the United Nations Joint Staff Pension Fund (“UNJSPF”) notified the Assistant Secretary-General of the Office of Human Resources Management (“ASG/OHRM”) that the Applicant had been awarded a disability benefit under art. 33 of the UNJSPF Regulations starting in 8 January 2019.

7. On the same day, the ASG/OHRM notified th

Conclusion

16. The application is moot and it is dismissed in its entirety.

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 10^h day of December 2020

Entered in the Register on this 10^h day of December 2020

(Signed)

Nerea Suero Fontecha, Registrar, New York