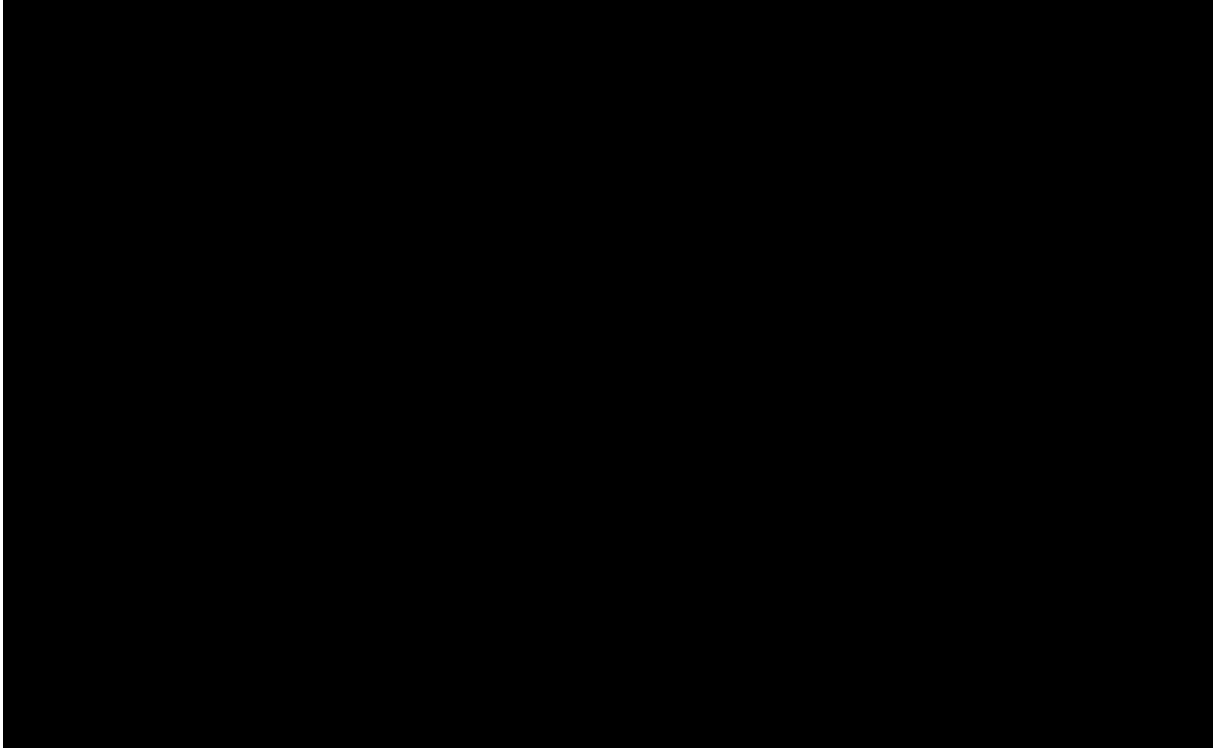

Judgment No. 2019-UNAT-906



Course

< On 11 July 2016, the Applicant wrote to the **3** n gement **I**; lution Unit **3IU7**; i em il st ting!

< On 20 **3** (2016) received n em il correspondence from **C** Bum n Resources %fficer **E** t+ t m(termin tion indemnit(s+ ll not /e p id to me nd t+ t **D** ; e /een o;erp id. &+e furt+er *rote t+ t **D*** ill /e p id round **U& 800**. **D***ould li, e to /e , ind(informed +o* t+e c lcul tions *ere done nd *+en **D**s+ ll /e p id. **3** (reFuests from **C**ffice of **B**um n Resources **3** n gement\$ **6BR37**for more inform tion + ; e rem ined un ns*ered to d te.

<

< On 25 August 2016, the **3IU** wrote to the Applicant informing +im t+ t upon t+e re;ie* of +is reFuest for m n gement e; lution d ted 25 June 2016, t+e

2. In relation to the decision to change Mr. M* and G termination date from 5 October 2016 to 30 October 2016, the UNAT found that the error in the calculation spreadsheet did not discern a direct legal effect on Mr. M* and G terms of appointment since it had no impact on the calculation.

purpose of preventing payments in excess of the regular minimum 612 months (7). The rule is intended to address situations where payments had been made upon the staff member's previous separation in respect of prior periods of service. Such payments must be factored in when paying the staff member at the end of their next appointment so that they could not be paid more than once (could also be paid during their service period).

15.

that the Tribunal's order of compensation for harm that is supported by evidence. In the present case, Mr. M* and *s not harmed by the procedural delay (the separation of the two proceedings). Moreover, Mr. M* and *s paid the financial cost of termination indemnity pending to mitigate the potential harm from delays resulting from the determination of his entitlements. In addition, the financial cost of termination indemnity (based on the 200= I% of the *ould not + ;e changed the outcome for Mr. M* and *s it *ould + ;e only resulted in reducing his indebtedness (U& :1=.90).

18. On 11(\$ the UN. T erred in l * nd e1ceeded its competence in ordering the &ecret r(-#ener l to t ,e steps to* rds t+e e1ecution of t+e Judgment\$ prior to t+e

to those I did do in the &ff Regulations and in the &ff Rules governing temporary
appointments for fixed term. I have been made confident that these Regulations and Rules
copy of which has been transmitted to me with this letter of appointment.

:1. Ourter\$%BR3 d;ised 3r. %m* nd / (e-m 1inetdn

8. The appeal is upheld and Judgment No. UN. T/2012/082 is set aside.

Origin and Authority: English

Filed this 29th day (of 3) March 2019 in New York, United States.

!Signed#

Judge Justice, residing

!Signed#

Judge Rios

!Signed#

Judge Thomas-elli

Entered in the Register on this 29th day (of 3) (2019 in New York, United States).

!Signed#

4 eic+eng ' in\$Registr r