



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2019/026
Judgment No.: UNDT/2020/205
Date: 8 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

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Alan Gutman, ALD/OHR, UN Secretariat

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Joint Staff Pension Fund for the number of months to which the indemnity rate corresponds.

17. The Applicant submits that the termination indemnity amount was not calculated as instructed in the ASG/OHRM s letter as the letter made no mention of any deductions of disability benefit. The Applicant therefore argues that it was unlawful for the Respondent to make the deductions required under Annex III(b).

18. The Respondent disputes that the Applicant is entitled to any additional termination indemnity, or that he can rely on the ASG/OHRM

that he would not be subject to the deductions in the Annex III . The Tribunal notes that the purpose of Annex III(b) is to ensure that a staff member does not receive a double payment for their accelerated separation from service due to disability.

21. Furthermore, in the event the Administration did make an error in the ASG/OHRM s 5 November 2018 letter by not citing the complete provisions of Annex III(b), the Administration has a duty to correct its errors (see for instance, *Kellie* 2018-UNAT-875 and *Husseini* 2016-UNAT-701).

22. The Applicant is, therefore, not entitled to any additional termination indemnity.

Conclusion

23. In light of the above, the application is rejected.

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 8^h day of December 2020

Entered in the Register on this 8^h day of December 2020

(Signed)

Nerea Suero Fontecha, Registrar, New York