

Application

1. On 27 February 2009 the applicant, through his counsel, submitted an appeal to the Joint Appeals Board against the decision of the Chief, Human Resources Management Service, United Nations Office at Geneva, to terminate his appointment for reasons of health, pursuant to staff regulation 9.1.
2. In his appeal, the applicant requested the Joint Appeals Board to:
 - (a) Rescind the contested decision;
 - (b) Apply to his case staff rule 106.4, which provides that “Staff members shall be entitled to compensation in the event of death, injury or illness attributable to the performance of official duties on behalf of the United Nations, in accordance with the rules set forth in appendix D to these Rules”;
 - (c) Guarantee that the administration will follow a regular and transparent procedure in examining his case;
 - (d) Provide assurance that he will be able to exercise his right to appeal with regard to the benefits awarded.
3. The applicant’s contentions are as follows:
 - (a) The decision to terminate his appointment was not taken in a transparent manner and he was not informed about the financial and administrative implications of the decision;
 - (b) The applicant should have received prior notice before the decision to terminate his appointment was taken, as stipulated in staff rule 109.3;
 - (c) In his report, the Chief, Medical Services Section, overlooked the applicant’s psychological problems.
4. The respondent’s contentions are as follows:

- (a) The appeal is irreceivable because the applicant failed to

9. On 24 August, the United Nations Joint Staff Pension Fund sent the applicant an estimate of his early retirement entitlements.

10. By form dated 26 August 2008, received the same day by the United Nations Joint Staff Pension Fund, the applicant informed the Fund that he

appeal against the response within one month of receipt of that reply,

to the Secretary-General requesting that the administrative decision be reviewed; such letter must be sent within two months from the date the staff member received notification of the decision in writing.

(i) If the Secretary-General replies to the staff member's letter, he or she may appeal against the answer within one mon

Entered in the Register on this 7th day of October 2009

_____ () _____

Víctor Rodríguez, Registrar, UNDT, Geneva