

Translated from French

Introduction

1. The applicant contests the decision whereby the United Nations Interim Force in Lebanon (UNIFIL) terminated his appointment with effect from 14 February 2003 although he was unwell and should have been kept in employment until he had recovered.

2. He seeks financial compensation from UNIFIL because of the termination.

Facts

3. The applicant joined UNIFIL on 1 January 1980 as a welder at the GS-3 level on a temporary indefinite appointment (100 series of the former Staff Rules, rule 104.12).

4. On 25 November 2002, he was informed in writing that, because of the downsizing of UNIFIL, his post would be abolished effective 31 December 2002. The Administration informed him of the termination indemnities available under Annex III to the Staff Regulations and offered

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- d. On 18 June 2004 he received a verbal response from the Chief

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Case No. UNDT/GVA/2010/009

(UNAT 1564)

Judgment No. UNDT/2010/106

27.

33. It is a fact that there is no explicit decision by UNIFIL refusing to pay the applicant the compensation package. The case file contains only instances, the most recent of them dating from 21 F

14 February 2003, will bear interest starting from that date and until the payment is made at the rate of eight per cent per annum.

37. On the other hand, the applicant cannot legitimately claim the 50 per cent enhancement of the termination indemnity since that enhancement is not provided for in a regulatory text, stems only from an ex gratia decision by the Administration in favour of staff terminated as a result of the General Assembly's decision to downsize UNIFIL and is payable only if the staff member undertakes, which the applicant refused to do, not to contest the termination of his or her appointment.

Decision

38. In view of the foregoing, the Tribunal DECIDES:

UNIFIL must pay the applicant the sum of 29,991.23 United States dollars and the sum of 9,552,660 Lebanese pounds, each of which shall bear interest at the rate of 8 per cent per annum from 14 February 2003 until payment is made.

(signed)

Judge Jean-François Cousin

Dated this 9th day of June 2010

Entered in the Register on this 9th day of June 2010

(signed)

V́ctor Rodŕguez, Registrar, UNDT, Geneva