



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2016/039
Judgment No.: UNDT/2018/058
Date: 15 May 2018
Original: English

Before: Judge Goolam Meeran
Registry: Nairobi
Registrar: Abena Kwakye Berko

EDWARDS

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for the Applicant:
George Irving

Counsel for the Respondent:
Kong Leong Toh, UNOPS

INTRODUCTION

1. The Applicant is a former Security Specialist with the United Nations Mine Action Service (UNMAS) in Somalia

f. The non
any right that he may have to a disability pension or any related
entitlement under Appendix D to the Staff Rule

FINDINGS OF FACT

6. The Applicant is a former Security Specialist with over 7 years of
experience in the United Nations system. His last appointment was a UNOPS
contract assigned to UNMAS.

7.

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a.

Policy (ST/AI/2005/3) applies to UNOPS such that the Applicant should not have been separated from service while he was on certified sick leave?

b. If the policy does apply, has the Respondent failed or omitted to accord to the Applicant the benefits of the policy enabling him to exhaust his sick leave as provided for under staff rule 6.2 and ST/AI/2005/3?

16. Applying the ruling in *Weerasooriya* 2015 UNAT-571, the Tribunal finds that there is no evidence that the Secretariat Sick Leave Policy (ST/AI/2005/3) expressly provides for its applicability to UNOPS. Further, the Applicant has not shown that UNOPS accepted the applicability of the Policy in the circumstances, that it was unlawful to separate him from service while he was on certified sick leave. It follows that, in the circumstances, he was not entitled to compensation for the loss of any benefits or entitlements arising directly from his separation.

17. However, the question of entitlements, any, under Appendix D to the Staff Rules is not a matter that falls for adjudication in this case.

Judgment

18. The application is dismissed.

(Signed)

Judge Goolam Meeran

Dated this 15th day of May 2018

Entered in the Register on this 15th day of May 2018

(Signed)

Eric Muli, Legal Officer, for,
Abena Kwakye Berko, Registrar, Nairobi