





incomprehensible.

7. First, to the extent the Respondent cites the fact that “The Applicant’s final pay statement of 27 February 2020 includes items of “EG Claim” [education grant claim] of US\$ 56,779.26 and “EG ADV recovery” [education grant advance recovery] of US\$ 63,295.32”, the Tribunal finds that this statement furnishes neither the basis for the claim nor the recovery.

8. Second, the Respondent states at paragraph 4 of his 5 February 2021 submission that there was an adjustment of USD12,112.68 (USD9,122.16 + 2,990.52) which brought the education grant payment down from USD68,891.94 to USD56,779.26. The Respondent has now decided to return the USD2,990.52 adjustment to the Applicant<sup>4</sup> in the form of an offset against the USD14,746.28 recovery for DB’s 2013-2014 education grant payment (USD14,746.28 – USD2,990.52 = USD11,755.76)<sup>5</sup>, despite a prior communication that the USD2,990.52 adjustment would be remitted to UNFCU.<sup>6</sup> The Respondent does not explain why the adjustments were made in the first place; moreover, it is unclear where the credit eventually went and whether the notification formalities were adhered to.

9. Accepting that none of the annexes show there was a recovery of the USD14,746.28 for DB for the 2013-2014 school year, as set out in the sanction letter, the overall opacity of the education grant accounting does not allow the Tribunal to establish the basis upon which the USD63,295.32 recovery was made.

10. Noting that the Counsel appear to distance themselves from this part of their 5 February 2021 submission by indicating that the explanation was authored by the Regional Service Center Entebbe, the Tribunal is compelled to recall that the Respondent’s statements of fact are being made on behalf of the Secretary-General. It is not the concern of this Tribunal what unit from within the Secretariat originally provided information to Counsel; procedural responsibility for unclear, contradictory

---

<sup>4</sup> Respondent’s submission of 5 February 2021, annex R/26 (Additional final pay simulation).

<sup>5</sup> Respondent’s submission of 22 December 2020, para. 7(j).

<sup>6</sup> Respondent’s submission of 5 February 2021, annex R/27

or otherwise insufficient statements of fact is attributed directly to the Secretary-General. Being aware of difficulties encountered by counsel in retrieving information

Entered in the Register on this 15<sup>th</sup> day of February 2021

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi