



Case No.: UNDT/NY/2010/091

Judgment No.: UNDT/2012/167

Date: 6 November 2012

Introduction

1. This is a judgment on a preliminary issue regarding the receivability of the Applicant's claim that she was unlawfully denied compensation for injuries sustained as a result of a vehicular accident while on official duty. The administrative decision, which is being contested, was made on the recommendation of the Advisory Board on Compensation Claims ("ABCC") on 25 August 2010 and was notified to the Applicant on 27 August 2010.

2. It is the Applicant's case that the accident, whilst driving her private vehicle, was incurred in the course of service with the United Nations as she was commuting from the United Nations Headquarters to her home in the borough of the Bronx, New York, USA. The Respondent resists the claim on the basis that there were no errors of law or fact committed by the ABCC when rejecting the Applicant's claim for compensation since the ABCC found that the Applicant did not travel by the most direct route possible (the accident occurred).)T

determined in accordance with the proper interpretation of the meaning of art. 17 of Appendix D to the Staff Rules.

5.

expenses of the medical practitioner whom he selected and half of the medical fees and expenses of the third medical practitioner on the medical board. The balance of the fees and expenses shall be borne by the United Nations;

(e) Whenever an appeal under this article involves also an appeal against a decision of the Joint Staff Pension Board, the medical board established under the Regulations and Rules of the Joint Staff Pension Board and such medical board's shall be utilized to the extent possible for the purposes of this article.

The preliminary question of receivability

7. In accordance with Order No. 158 (NY/2012) the sole issue for determination

13. The Tribunal observes that the grounds upon which the Applicant's benefit

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b. The parties are to confirm that they are agreeable to the determination of the substantive merits of the claim on the documents;

c. The Applicant is to file and serve:

i. The police report of the accident;

ii. The statement that the Applicant gave to United Nations Safety and SecurityJe dervice; and