



**Before:** Judge Joelle Adda

**Registry:** New York

**Registrar:** Nerea Suero Fontecha

CHERNOV

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**JUDGMENT**

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**Counsel for Applicant:**

Omar Yousef Shehabi, OSLA

**Counsel for Respondent:**

Yehuda Goor, ALD/OHR, UN Secretariat

## **Introduction**

1. On 7 December 2021, the Applicant, a staff member at the United Nations Secretariat in New York, filed an application to contest the Administration's decision to recover the lump-sum boarding allowance paid to him.
2. On 9 December 2021, the Respondent filed a motion by which he requests the Dispute Tribunal to determine receivability as a preliminary matter and, in the interim, suspend the deadline to file his reply.
3. On 16 December 2021, the Applicant filed a motion for consolidation of the present case with Case No. UNDT/NY/2021/023.
4. On 21 December 2021, by Order No. 125 (NY/2021), the Duty Judge suspended the deadline for the reply until further notice and informed the parties that the motions of 9 and 16 December 2021 would be determined by the Judge to be assigned in the present case.
5. On 23 March 2022, Case No. UNDT/NY/2021/023 was adjudicated in Judgment No. UNDT/2022/028.
6. On 24 March 2022, the present case was assigned to the undersigned Judge.
7. For the reasons stated below, the application is rejected.

## **Facts**

8. On 22 September 2020, the Applicant submitted a form entitled "Special education grant and related benefits claim for payment and/or request for advance" to claim the special education grant and related benefit for the academic year 2019 to 2020. In the form, the Applicant claimed USD5,000 for lump-sum boarding allowance on the ground that he served in a peacekeeping mission during the relevant academic year.

9. On 21 December 2020, the Headquarters Clients Support Service, Department of Operational Support (“HQCSS/DOS”) informed the Applicant that he was entitled to a prorated sum of USD4,212.50 for his claim for lump-sum boarding allowance on the basis that he served in a peacekeeping mission less than a year during the relevant academic year.

10. On 3 February 2021, the Applicant requested a management evaluation of the 21 December 2020 decision to prorate the boarding allowance.

11. By letter of 3 March 2021, the Administration provided a response to the Applicant’s management evaluation request. In its response, the Administration found the 21 December 2020 decision erroneous and decided that the Applicant was not entitled to receive lump-sum boarding allowance.

12. On 1 June 2021, the Applicant filed the application in Case No. UNDT/NY/2021/023.

13. On 14 June 2021, by email, HQCSS/DOS notified the Applicant that the Organization would recover the amount the Organization paid him for a prorated sum of lump-sum boarding allowance, i.e., USD4,212.50.

14. On 12 August 2021, the Applicant requested a management evaluation of the 14 June 2021 notification.

15. By letter of 8 September 2021, referring to the previous management evaluation letter of 3 March 2021, the Administration upheld the contested decision to recover a prorated sum of lump-sum boarding allowance paid to him.

16. On 7 December 2021, the Applicant filed the present application.

### **Consideration**

17. In Judgment No. UNDT/2022/028, the Tribunal rejected the application in Case No. UNDT/NY/2021/023, finding that the Applicant is ineligible for boarding allowance for his child.

18. In this case, the Applicant essentially challenges the same decision to find him ineligible for boarding allowance for his child, the issue of which was already resolved in Judgment No. UNDT/2022/028. Therefore, under the doctrine of *res judicata*, the Tribunal rejects the present application.

### **Conclusion**

19. In light of the foregoing, the Tribunal rejects the application.

*(Signed)*

Judge Joelle Adda

Dated this 31<sup>st</sup> day of March 2022

Entered in the Register on this 31<sup>st</sup> day of March 2022

*(Signed)*

Nerea Suero Fontecha, Registrar, New York