Before: Judge Sean Wallace

Registry: Nairobi

Registrar: Wanda L. Carter

OPERO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for Applicant:
Martine Lemothe, OSLA

Counsel for Respondent:
Camila Nkwenti, HRLU, UNOG

Introduction

1. The Applicant is an Administrative Officer, working with the Office for the Coordination of Humanitarian Affairs ("OCHA"), based in Cairo. By an application filed on 24 July 2025, she contests the decision awarding her partial reimbursement of her claim of compensation for the loss of personal effects.

Factual background

2. In 2023, the Applicant was serving with OCHA in Khartoum, Sudan, when the civil war erupted. As a result, the Applicant relocated several times, ultimately residing in Egypt.

3. On 26 December 2023, OCHA wrote to staff members who relocated from Khartoum informing them to submit claims for loss or damage of personal effects:

> In case you suffered damage or loss of personal effects attributable to service and would like to claim compensation, you may submit your claims, along with all supporting documents, to the Head of Administration (Daud), for examination and submission to the Executive Office for quality assurance and subsequent submission of the consolidated claims to the New York Claims Board.

4. On 29 January 2024, the Applicant submitted a claim to OCHA for compensation for lost personal effects in the amount of USD156,500, including a vehicle and other household articles.

5. On 21 June 2024, OCHA sent the Applicant's claim to the United Nations Claims Board ("the Board") in New York for review.

6. The Board reviewed the Applicant's claim on 25 July 2024 and 6 November 2024. The Board concluded as follows:

> The Board reviewed a claim for Ms. Elizabeth Opero, Administrative Officer, OCHA, who is requesting compensation in the amount of USD 156,500.00.
>
> The Board reviewed the list of claimed items and took into account the Claimant provided a photograph of the claimed vehicle and some receipts for the claimed items. The Board noted the Claimant resided with her daughter at the duty station.

> The Board recommended compensation in the amount of USD 30,360.00, including the automobile, pursuant to sections 3(b) and 8 of ST/AI/149/Rev.4 which provides that no compensation is payable for articles which "cannot be considered to have been reasonably required by the staff member for day-to-day life under the conditions existing at the duty station", calculated as follows:
>
> | | |
> |---|---|
> | Total claim: | USD 156,500.00 |
> | Less Disallowed | (USD 106,040.00) |
> | Excess over maxima | (USD 20,100.00) |
> | Net Compensation | USD 30,360.00 |

7. The Board transmitted this recommendation to the Controller, and on 26 December 2024, he approved the Board's recommendation on behalf of the Secretary-General. On 31 December 2024, the Board communicated the approved compensation to OCHA .

8. On 27 January 2025, OCHA communicated the decision to the Applicant saying:

> I'm writing to you with a long-awaited update on the compensation claims that OCHA submitted on behalf of staff in Sudan. The UN Claims Board has recently concluded its review of these claims in accordance with the relevant policies and have determined the reasonable compensation for you and other colleague's claims. The claims have now been endorsed by the Controller, and so I'm reaching out to update you in relation to your claim.
>
> For your reference the claims were reviewed by the Board based on the policies covering compensation claims for loss of or damage to personal effects attributable to service -- ST/AI/149/Rev.4 and ST/AI/149/Rev.4/Amend.1 on 'Compensation for loss of or damage to personal effects attributable to service'.
>
> **UN Claims Board decision**
>
> Based on these policies, and the applicable limits, the Board has determined that the reasonable compensation for your claim to be USD 30,360.00.

9. On 25 March 2025, the Applicant requested reconsideration by the Board of her compensation, and the next day she requested management evaluation of the decision to partially reimburse her claim for compensation.

10. On 25 April 2025 the Board convened a meeting to review the written reconsideration statement and additional documents submitted by the Applicant.

11. On 28 April 2025, the Management Advice and Evaluation Section ("MAES") found the request for management evaluation not receivable on the ground that there was no final administrative decision as the matter was still before the Board for reconsideration.

12. On 13 May 2025, the Board informed OCHA, *inter alia* that:

> I am writing in reference to your letter, dated 25 March 2025, in which you requested a review of the recommendations made by the United Nations Claims Board ("UNCB" or the "Board") on the claims for compensation for the loss of or damage to personal effects of [the Applicant and two of her colleagues], under ST/AI/149/Rev.4 and ST/AI/149/Rev.4/Amend.1.
>
> Although the above-mentioned AI do not prescribe such review mechanism, a meeting was convened on 25 April 2025, at which the Board extensively deliberated on the request and considered all the documentation submitted in support thereof. After careful review, the Board considered that the additional documentation submitted did not materially affect their initial recommendations and accordingly decided not to reconsider the claims. The Board concluded that their initial recommendations were in line with the applicable ST/AI.

13. OCHA sent this decision to the Applicant on the same day.

14. On 2 June 2025, the Applicant requested management evaluation of the reconsideration decision.

15. On 1 July 2025, MAES issued its decision upholding the contested decision. Thereafter, the Applicant filed the instant application.

Procedural background

16. On 24 July 2025, the Applicant filed the present application.

17. The Respondent filed a reply on 1 September 2025 arguing that the contested decision is not receivable *ratione temporis*. If found receivable, the Respondent further contends that the contested decision was lawful.

18. The Applicant filed a rejoinder on 26 September 2025.

19. After reviewing the submissions on record, the Tribunal deemed that it was sufficiently apprised of the issues in order to rule on the case.

20. The parties filed their closing submissions on 22 October 2025 and 27 October 2025 respectively, so the case is ready for ruling.

Submissions

Applicant's submissions

21. The Applicant argues that the overall amount of compensation awarded to her was unreasonable. In support of her position, the Applicant raises four grounds.

22. First, the Applicant argues that the overall amount of compensation awarded was unreasonable. She claims that the compensation awarded, USD30,360.00 (which consists of USD15,000 for a vehicle and an additional USD15,360.00 for other personal effects) was less than 50 percent of the amount sought and thus fails to comply with the requirements of reasonable compensation under staff rule 6.5.

23. Second, the Applicant argues that the Organization should have invoked paragraph 22 of ST/AI/149/Rev. 4 (Compensation for loss or damage to personal effects attributable to service) which authorizes the Board to recommend to the Controller compensation in excess to the limits when "unusual hardship would be caused, or it would be clearly unreasonable if the amount of compensation were limited to the relevant maxima prescribed."

24. The Applicant concedes that application of para. 22 of ST/AI/149/Rev.4 is discretionary. However, she maintains that in her case the exercise of this discretion was unlawful as it was in violation of the ST/AI/149/Rev. 4 insofar as the compensation recommended was unreasonable and therefore irrational and disproportionate in the circumstances. In her view, the Board erred in failing to exercise its discretion to grant compensation in excess of the limits of ST/AI/149/Rev. 4. As such, the Applicant is not seeking the derogation of

ST/AI/149/Rev. 4, but the rescission of a unilateral decision of individual application on the basis that it did not comply with staff rule 6.5.

25. Third, she argues that applying individual limits from 1993, unadjusted for subsequent inflation, rendered the compensation unreasonable. She claimed a total of USD25,500, which was the value of replacement of the lost vehicle and accessories, and the Controller approved USD15,000 which is the maximum established by ST/AI/149/Rev. 4, para. 9. According to her, only compensating for 59% of the verified loss is unreasonable.

26. ST/AI/149/Rev. 4 set the limit of compensation for automobiles at USD15,000 on 14 April 1993. Although ST/AI/149/Rev. 4/Amend. 1 updated the overall limit for other claims, it left the maximum for automobiles, and other individual items, untouched. This was an arbitrary distinction which was particularly unfair in relation to automobiles as these types of items are not subject to the general limit.

27. Relying on the United States Department of Labor inflation calculator, the Applicant submits that adjusted for inflation, USD15,000 in April 1993, amounts to USD33,090 in January 2025 when the Applicant was notified of her compensation. This effectively lowers the maximum in real terms by more than 50% and renders the compensation unreasonable. If inflation over the course of more than 30 years would have been taken into account, the Applicant should have been compensated USD25,500 for the vehicle.

28. The Applicant further submits that the awarded compensation in respect of cash, computer equipment, camera, and watches is also unlawful as unreasonable as it is subject to the same limits of 1993 which have not been adjusted for inflation. Moreover, it was erroneous for the Board to recommend, and the Controller to approve, only USD350 for the Applicant's Sony camera, as the applicable limit should be the one for a video camera and not a still camera (USD1,500) which should also be adjusted for inflation. The Applicant's Sony device was capable of recording video and therefore should be considered a video camera for the purposes of ST/AI/149/Rev. 4.

29. Fourth, the Applicant claims that it was erroneous to disallow items on the basis of paragraph 8 of ST/AI/149/Rev. 4. It appears from the memorandum that the Board relied on paragraph 8 of ST/AI/149/Rev. 4 to reject compensation for many items. However, the Applicant was not informed of the reasoning for determining which items were deemed "not reasonably required in the duty station." Despite ST/AI/149/Rev. 4 limiting compensation for items not deemed reasonably required for day-to-day life, the Applicant is deserving of compensation due to the specific context of her circumstances. What constitutes a "reasonable need" is not universal; it varies depending on geographic, cultural, and individual factors. In this case, several of the lost items, while potentially viewed as non-essential in one context, are in fact vital to maintaining the Applicant's well-being, dignity, and ability to function in her particular environment.

30. The Applicant, thus, states that in the absence of an itemized assessment of the reasons why each item was disallowed, she argues that Khartoum was at the relevant time a family duty station; all the possessions she claimed were integral to her daily living in Sudan, and all personal effects that were lost were indeed "reasonably required."

31. The arbitrary exclusion of certain items, particularly clothing and basic household goods such as gas cylinder, iron box, blender, décor, TV decoders, juicer, humidifier, dishwasher, air fryer, paintings is inconsistent with the standards expected in the evaluation process. The variability in the reimbursement decision—where some items were classified as essential while others were not—raises significant concerns regarding the fairness and rationale applied in assessing the Applicant's claim. The decision to exclude important items, such as kitchenware, bookcase, exercise equipment, electronics, solar panels, computers, and clothing etc. while inexplicably approving reimbursement for others, lacks a clear basis and justification. In addition, excluding personal items such as prescription glasses, perfumes, jewellery, hair/skin products is also unjust. This also applies to electronics such as kindle, iPad, Lenovo think pad and play station.

32. For the foregoing reasons, it was clearly unreasonable and arbitrary for the Board to disallow these items which were reasonably required for day-to-day activities in the duty station.

33. Lastly, the Applicant maintains that the only reasonable compensation would be for her to receive payment for all the items lost. Even if the disallowed items are included and the maximum values for individual items, including the automobile, are adjusted for inflation, her overall award should not be limited to the maximum provided for in ST/AI/149/Rev. 4/Amend.1. Limiting her compensation when her actual loss is USD156,500.00 would not be reasonable compensation pursuant to staff rule 6.5.

Respondent's submissions

34. In his reply, the Respondent raises arguments, both on receivability and on the merits. On receivability, the Respondent submits that the application is not receivable *ratione temporis.*

35. On the merits, the Respondent's position is that the recommended compensation amount was lawful. The Board reviewed the Applicant's claim in compliance with sections 8, 11, 19, and 22 of ST/AI/149/Rev.4 and ST/AI/149/Rev.4/Amend.1. Pursuant to section 8, the Board assessed whether the items claimed, and the corresponding value, were required for day-to-day life, taking into consideration the family status of the staff members (i.e., single, married and with or without dependent children) or whether they related to personal preferences and tastes. For the commonly claimed items that satisfied the requirements of section 8 of the Administrative Instruction ("AI"), the Board established a fixed amount that was applied to all claims, thereby ensuring fairness and equality of treatment amongst claimants, as well as an efficient review process. Based on the above considerations, the Board did not find that there was a need to invoke section 22 of the AI. As noted above, the Board did not find the maximum limits set forth under section 9 of the AI to be unreasonable.

36. The Respondent further submits that, since the Applicant did not provide documents as proof of purchase, the Board could not determine the depreciation of

the items. The Board only considered whether the items were necessary and reasonable replacement costs for the items that were deemed necessary for the duty station, in line with setion 19 to determine the amount of compensation.

37. The Respondent avers that in reviewing the maximum limit set under section 11, Amend.1, the Board determined that it could not recommend the maximum amount due to the presence of disallowed items in the claim. The Board can only apply the maximum limit when the total recommended compensation exceeds that threshold.

38. The Respondent also responded to specific arguments raised by the Applicant.

39. Regarding the Applicant's averment that it was erroneous to disallow items on the basis of section 8 of ST/AI/149/Rev. 4, the Respondent submits that section 8 reflects the core principle of the AI: compensation is only payable for items that are reasonably required for day-to-day life at the duty station. It does not entitle staff members to reimbursement for items acquired to support a specific lifestyle. Staff members who wish to protect such items have the option of obtaining private insurance coverage.

40. In relation to the Applicant's complaint that the reasoning used for each item was not provided, the Respondent argues that there is no obligation for the Board or the Administration to provide the Applicant with an explanation of the rationale behind the Board's recommendation or final decision. The Applicant does not contend that there was an error on the part of the Board in its computation of compensation, she has not identified any procedural irregularities in the Board's assessment of her claim for loss or damages, and she has not indicated that the review was not done in compliance with ST/AI/149/Rev.4 and ST/AI/149/Rev.4/Amend.1.

41. On the Applicant's assertion that "reasonable" compensation equates to full reimbursement for all lost items, the Respondent opines that such assertion is incorrect. Staff rule 6.5 provides for "reasonable" compensation for loss or damage to personal effects attributable to official duties. This standard does not imply full

restitution, but rather compensation that is fair and proportionate, considering the circumstances and applicable limits.

42. Regarding the Applicant's submission on inflation adjustments, the Respondent submits that this contention is misplaced. Section 11 of ST/AI/149/Rev.4/Amend.1, sets the maximum allowable limit for compensation for automobiles. This limit applies independently of the age or condition of the vehicle and reflects a distinct category of award governed by its own criteria. Further, the Applicant's argument challenges the validity of the AI itself, rather than its application in the present case. The appropriateness and lawfulness of these provisions fall outside the jurisdiction of the Tribunal, which is mandated to apply the rules in force, not to assess their policy rationale or legislative history.

43. On the Applicant's contention that the Board failed to invoke section 22 of the AI, which allows for recommendations above the maximum allowable limits in cases of unusual hardship or clear unreasonableness is misplaced. The application of section 22 is discretionary in nature. The use of terms such as "may" and "in the opinion of the Board" confirms that the Board is not obligated to apply this provision unless it determines that the circumstances warrant it. In this case, the Board did not find that the Applicant's situation met the threshold for invoking section 22, and its decision falls within the scope of its discretionary authority.

44. In view of the above, the Respondent requests the Tribunal not to rescind the contested decision, not to award full compensation, rather to dismiss the application in its entirety.

Consideration

Receivability

45. The Respondent submits that the application is not receivable *ratione temporis.* Specifically, he argues that:

> The Applicant's current application challenges the earlier decision notified to her on 27 January 2025 and not the second decision. While the first decision was the original decision, that decision was

> not receivable at the time as it was being reconsidered. Since the timeline of that decision lapsed, 60 calendar days after the response from MAES, the decision is not receivable.

46. To analyse this argument, it is necessary to clarify the contested decision. The jurisprudence establishes that "the authority to render a judgment gives the Judge an inherent power to individualize and define the administrative decision impugned by a party and identify what is in fact being contested and subject to judicial review." *Massabni* 2012-UNAT-238, para. 26.

47. To be sure, the Applicant is less than clear in identifying the contested decision. In her application, she first says that the decision was made by the "Acting Secretary, UN Claims Board" on 31 December 2024. Then she says that the contested decision was "rendered by the Controller, pursuant to the advice of the Claim Review Board."

48. The Tribunal finds that the Board's decision was merely a recommendation and thus prefatory. The Controller's decision on 31 December 2024 approving the Board recommendation was the controlling decision and the decision contested in this application.

49. Inexplicably, MAES found that the request from this decision was premature since there was a pending reconsideration request, relying on *Kisia*, UNDT/2016/023. However, that case is clearly distinguishable.

50. *Kisia* dealt with an application to review a decision on an Appendix D claim for service-connected injuries. Appendix D to the Staff Rules expressly provides for reconsideration[1], and the Applicant had sought reconsideration under this provision. Accordingly, the Tribunal found that the application was not receivable, a finding which was an application of the general doctrine of exhausting administrative remedies. *Id*. para. 34. *See also*, A/RES/62/228, para. 51 ("*Reaffirms* the importance of the general principle of exhausting administrative remedies

[1] At that time the provision was contained in Article 17. Now it is found in Art. 5.1 of Appendix D.

before formal proceedings are instituted"); and *Ng'ang'a* 2024-UNAT-1418, para. 54.

51. However, the instant application deals with a claim for compensation for lost property under ST/AI/149/Rev. 4, and as the Board correctly pointed out, the "AI does not prescribe such review mechanism." As such, reconsideration is not an approved administrative review process akin to an e-pas rebuttal panel, a multi-step selection process, or an Appendix D reconsideration. Instead, it is an *ad hoc* situation like any other similar request to a decision-maker. Thus, there was no administrative remedy that must be exhausted.

52. Nonetheless, regardless of whether MAES was right or wrong in finding the request to be premature, the time for filing with the Tribunal runs from receipt of that management evaluation decision. The Respondent recognizes that but incorrectly argues that the timeline "lapsed 60 calendar days after the response from the MAES." This is simply incorrect.

53. Article 8(1)(d)(ii) of the Dispute Tribunal Statute provides that an application for judicial review is receivable if filed "[w]ithin **90 calendars days** of the applicant's receipt of the response by management to his or her submission" (emphasis added). The Tribunal's Rules of Procedure reiterate this deadline in Art. 7.1 (a): "**90 calendar days** of the receipt by the applicant of the management evaluation as appropriate" (emphasis added). In neither authority is a 60-day deadline established.[2]

54. Applying the proper deadline to the facts of this case show that the application was timely filed. As noted above, the Applicant received the management evaluation on 28 April 2025. Ninety days after 28 April 2025 is 27 July, and the application was filed days before that on 24 July. As such the Tribunal rejects the Respondent's argument that the application is not receivable *ratione temporis*.

[2] Perhaps the Respondent confuses this with the 60-day deadline for requesting management evaluation found in Staff Rule 11.2(c). If so, counsel for Respondent should know better.

Merits

55. Staff rule 6.5 provides that:

> Staff members shall be entitled, **within the limits and under terms and conditions established by the Secretary-General**, to reasonable compensation in the event of loss or damage to their personal effects determined to be directly attributable to the performance of official duties on behalf of the United Nations. (emphasis added).

56. Section 8 of ST/AI/149/Rev.4 provides:

> No compensation shall be paid for loss of or damage to any articles which, in the opinion of the Secretary-General, cannot be considered to have been reasonably required by the staff member for day-to-day life under the conditions existing at the duty station. In addition, no compensation shall be paid for loss of or damage to animals, motorcycles, boats, motors of all types and their appurtenances, jewelry, money (except as provided in subpara. 9 (h) below), negotiable instruments, tickets or documents.

57. Section 19 of ST/AI/149/Rev.4 states:

> Where an article is lost, the amount of compensation shall be determined having regard to the following factors:
>
> a. The age, condition and place of purchase of the article;
>
> b. The original cost and the amount by which it had depreciated in value at the time of loss;
>
> c. The replacement of the article; and
>
> d. Any other relevant factors.

58. Section 22 of ST/AI/149/Rev.4 states:

> When in the opinion of the Claims Board, unusual hardship would be caused or it would be clearly unreasonable if the amount of compensation were limited to the relevant maxima prescribed in paragraphs 9 to 11 above, or where the claim is otherwise not compensable under this instruction, the Claims Board may forward its recommendation in a particular case to the Controller together with its views as to what would constitute reasonable compensation.

59. The Applicant, while acknowledging that staff rule 6.5 provides for reasonable compensation "within the limits and under terms and conditions

established by the Secretary-General," directs her arguments at those limits, terms, and conditions established by the Secretary-General in ST/AI/149/Rev.4 because they result in unreasonable compensation.

60. Although she claims she "is not seeking the derogation of ST/AI/149/Rev.4," in effect she is doing just that by arguing that application of the AI results in unreasonable compensation. She argues that failure to update the maximum permissible amounts to reflect inflation was arbitrary and unreasonable. However, those maximums are established in the AI and, as a result, her argument is not with the decision applying them but with the applicable rule itself. However, the AI is not subject to judicial review. *Oglesby* 2019-UNAT-914, para. 37.

61. Moreover, in staff rule 6.5, the General Assembly expressly authorized the Secretary-General to set the limits, and he did so in the AI. Whether or not the maximum should be recalculated periodically to reflect inflation is a policy matter committed to the Secretary-General's discretion and not subject to review by the Tribunal.[3]

62. At the same time that she argues against the maximums set out in the AI as unreasonable for not accounting for inflation, the Applicant ignores the related concept of depreciation. Her claim for every lost item was the exact amount she paid for that item without any accounting for depreciation, in some cases for years since the original purchase. Everybody knows that the value of possessions declines over time (with certain exceptions not applicable here). "Used" is worth less than "new". Yet the Applicant's claim fails to acknowledge this near-universal truth. Thus, any claim of unreasonable compensation based on an arbitrary percentage of unreasonable demands is rejected.

63. As the Applicant notes, the USD15,000 maximum reimbursement for a vehicle has been in effect for 30 years before the losses she claimed. Faced with this maximum, staff members considering the purchase of a vehicle have several

[3] The Applicant's argument is premised on the United States Department of Labor inflation calculator. One strains to understand what the inflation rates for American consumers have to do with the value of goods in another country.

choices: they can purchase a vehicle whose value does not exceed the USD15,000 maximum; they can purchase a more expensive vehicle and buy insurance coverage for the excess value; or they can purchase a more expensive vehicle and take the risk of not being fully reimbursed if the vehicle is lost. What a staff member cannot do is buy a more expensive vehicle and expect the United Nations to provide reimbursement beyond the limit set in the AI, if that expensive vehicle is lost.

64. In this case, the Applicant purchased her Toyota Lexus in 2018 for USD24,000 and requested that same amount as compensation for its loss five years later. She also paid USD1500 in 2018 for car stereo speakers and requested the same when they were lost in 2023. The Respondent found that USD10,500 (9,000 plus 1,500) of the claim exceeded the USD15,000 maximum and thus disallowed that amount. This was in full compliance with both the staff rule 6.5 and the AI.

65. Likewise, the Applicant argues that compensation on her claim for lost cash (USD4,000), and computer equipment (USD3,300) is unlawful and unreasonable as it is subject to the same limits of 1993, which have not been adjusted for inflation. The Tribunal rejects this argument.

66. Further, the Applicant challenges the Controller approving only USD350 for the Applicant's Sony camera, as the applicable limit should be the one for a video camera and not a still camera (USD1,500), which should also be adjusted for inflation. She claims that her Sony device was capable of recording video and therefore should be considered a video camera for the purposes of ST/AI/149/Rev. 4. Additionally, awarding the total cost of weaves/wigs at USD50 is unjust.

67. The Applicant's argument regarding adjust for inflation is already addressed above. It is partly rejected on the same reasoning advanced by the Tribunal above in para. 61. As for whether the Sony camera should be treated as a video rather than still camera, there is nothing in the record that describes the capabilities of the lost "Sony Camera." If the Applicant said in her claim for reimbursement that the "Sony Camera" was able to record video, she failed to submit this document to the Tribunal. In the absence of such a document, the Tribunal can only conclude that

the Board (and Controller) did not have before them any information about video capabilities when the contested decision was made. Thus, the Applicant has not met her burden to demonstrate that the decision was unlawful.

68. As for the decision to pay USD50 for "weaves/wigs," the Applicant merely states that the award "is unjust," without any explanation of why she thinks so. The Tribunal notes that this single sentence appears in the application under the heading "Applying individual limits from 1993 unadjusted for inflation rendered the compensation unreasonable." To the extent that she is again arguing about the lack of inflation adjustment, that argument has already been rejected.

69. The Applicant faults the Board for not invoking section 22 of the AI which authorizes the Board to recommend exceeding the prescribed maximum when:

> in the opinion of the Claims Board, unusual hardship would be caused, or it would be clearly unreasonable if the amount of compensation were limited to the relevant maxima… the Claims Board may forward its recommendation in a particular case to the Controller together with its views as to what would constitute reasonable compensation.

70. Of course, the very language of section 22 makes clear that this authority is discretionary and to be used in exceptional cases. The Applicant concedes this but argues that "this case was exceptional and causing unusual hardship. Fortunately, it is not common for staff to have to flee a family duty station in the middle of a civil conflict leaving all possessions behind as described above." The Tribunal agrees that it is fortunate that staff do not commonly have to flee their duty station due to armed conflict, leaving behind their possessions. However, compensating for such circumstances is a purpose for these staff rules and the AI. That does not make her case exceptional.

71. The Applicant also argues that:

> Khartoum was distinguished as both a family and hardship duty station, classified as Category C. The living conditions in this region are notably challenging due to the implementation of strict sharia laws, inadequate amenities, limited healthcare services, inconsistent electricity supply, extreme temperatures frequently exceeding 40°C, lack of fuel, recurring sandstorms, and persistent civil unrest.

72. This reasoning is of a general application that applied to all staff members based in Khartoum at the time. The Applicant does not provide specific and exceptional circumstances that would have warranted the Board to invoke section 22 in her particular case.

73. The Applicant next complains that it was erroneous to disallow items on the basis of section 8 because the Board did not explicate its reasoning for each item and "the needs and wants must be carefully assessed with sensitivity to local standards and the client's lived reality."

74. However, the reasoning is clear from the record. Annex 3 of the application, provided by the Applicant herself, shows how the Board made the calculations. For example, a claim for jewelry in the amount USD3,000 was disallowed, obviously pursuant to paragraph 8 of the AI which says "no compensation shall be paid for loss of or damage to …jewelry…."

75. And, more broadly, paragrpah 8 provides that "No compensation shall be paid for loss of or damage to any articles which, in the opinion of the Secretary-General, cannot be considered to have been reasonably required by the staff member for day-to-day life under the conditions existing at the duty station." It seems clear that many claimed items were disallowed as not reasonably required for day-to-day life, including: Nutri bullet blender (USD300); air frier (USD600); waffle maker (USD700); juicer (USD800); camping gear and set (USD1400); wine and spirits (USD4000); ice cream maker (USD700); scooter (USD300); skates and gear (USD1,000); PlayStation 5 (USD1,400); various CD games (USD5,000); mountain bikes (USD3,000); perfumes (USD2,000); paintings (USD5,000); decors (USD3,000); and six pairs of sunglasses (USD3,000).

76. The Tribunal could continue in this bookkeeping exercise, but that is not its role. In a landmark ruling, the Appeals Tribunal pointed out that "decision makers have some latitude or margin of discretion to make legitimate choices between competing considerations and priorities in exercising their judgement about what action to take." *Sanwidi* 2010-UNAT-084, para. 39.

77. The Appeals Tribunal went on to explain that:

> [i]n exercising judicial review, the role of the Dispute Tribunal is to determine if the administrative decision under challenge is reasonable and fair, legally and procedurally correct, and proportionate. During this process the Dispute Tribunal is not conducting a merit-based review, but a judicial review. Judicial review is more concerned with examining how the decision-maker reached the impugned decision and not the merits of the decision-maker's decision. *Id*., para. 42.

78. In doing so, "due deference is always shown to the decision-maker, who in this case is the Secretary-General." *Id.*

79. Moreover, the jurisprudence is clear that "managerial decisions should be sustained provided that they are free from invidious or improper motivations and are based upon the exercise of reason and proper judgment." *El-Awar* 2019- UNAT- 931, para. 34.

80. The Applicant has not shown any evidence of invidious or improper motivation in this case, and the examples set out above make clear that the decision was based on the exercise of reason and proper judgment in the context of the applicable AI. As such, it must be upheld.

Conclusion

81. In view of the foregoing, the application is DENIED.

(Signed)
Judge Sean Wallace
Dated this 6th day of November 2025

Entered in the Register on this 6th day of November 2025

(Signed)
Wanda L. Carter, Registrar, Nairobi