



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2025/102
Judgment No.: UNDT/2025/088
Date: 13 November 2025
Original: English

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.
2. By an application filed on 26 September 2025, she contests the decision of the United Nations Claims Board (“the Board”) not to reconsider her claim.

Factual background

3. 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.
4. On 29 January 2024, the Applicant submitted a claim to OCHA for compensation for lost personal effects, including a vehicle and other household articles, in the amount of USD156,500. OCHA subsequently sent the Applicant’s claim to the Board in New York for review.
5. The Board reviewed the Applicant’s claim at two meetings before reaching its decision 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

6. On 26 December 2024, the Controller approved the Board's recommendation on behalf of the Secretary-General. On 31 December 2024, the Board communicated the approved compensation to OCHA which then communicated the decision to the Applicant, via email which added: "The Claims Board noted that they will not revisit the case unless there is substantial new evidence that has not been previously considered in the review."

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

8. On 28 April 2025, the Management Advice and Evaluation Section ("MAES") found her request for management evaluation not receivable. The Applicant subsequently sought judicial review of the initial decision before this Tribunal. The Tribunal, in turn, affirmed the decision in judgment *Opero* UNDT/2025/081.

9. On 13 May 2025, the Claims Board responded to the Applicant's reconsideration request saying, *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 (Contested decision).

10. On 2 June 2025, the Applicant requested management evaluation of the reconsideration decision. On 1 July 2025, MAES issued its decision upholding the contested decision.

11. On 26 September 2025, the Applicant filed the present application, and the Respondent filed a timely reply.

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

Consideration

13. First, it is necessary to clarify the contested decision currently before the Tribunal. In the application, the contested decision is described as follows: “UNCB decision not to reconsider the claims and concluded that their initial recommendation to provide partial reimbursement with regard to the applicant’s claim for loss of personal effects was in line with the applicable ST/AI.”

14. However, in their submissions, the parties have not addressed the issue of reconsideration but instead focus on the lawfulness (or not) of the Board’s original decision to award partial reimbursement. Literally, the parties reproduced the submissions they had filed in the Applicant’s previous application that was disposed of by Judgment No. UNDT/2025/081.

15. However, those issues were decided in the prior judgment, and relitigation of those issues is barred by the doctrine of *res judicata*. (See *Yodjeu Ntemde* UNDT/2023/073, para. 12, affirmed by *Ntemde* 2023-UNAT-1379; *Likukela* UNDT/2025/045, para. 17). Thus, the Tribunal must review the denial of reconsideration, despite the parties’ effort to reargue matters already decided.

16. In *Sanwidi* 2010-UNAT-084, para. 42, the Appeals Tribunal explained 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.

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

18. In the instant case, the Applicant has neither alleged nor shown evidence of any invidious or improper motivation. Thus, we must examine whether the denial of reconsideration was a proper exercise of reason and judgment.

19. The Tribunal notes that the Board correctly pointed out that, 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.

20. In that regard, the record shows that the Claims Board established as a parameter for reconsideration that it “will not revisit the case unless there is substantial new evidence that has not been previously considered in the review.”

21. In light of the clear direction from the Board that it would only revisit the case if there was substantial new evidence, the Applicant was required to submit “substantial new evidence” to the Board. And in asking for judicial review of the reconsideration denial, it was incumbent upon the Applicant to provide the Tribunal with proof of the “substantial new evidence” upon which she based her reconsideration request. The Applicant has failed to do so. The Tribunal can only conclude that her request merely rehashed her prior arguments (just like her pending application for judicial review).

22. As such, it is clear that the Board correctly found that “the additional documentation submitted did not materially affect their initial recommendations.” Thus, the decision was based on the exercise of reason and proper judgment.

23. Therefore, the Tribunal concludes that the decision was lawful.

Conclusion

24. In view of the foregoing, the application is denied.

(Signed)

Judge Sean Wallace

Dated 13th day of November 2025

Entered in the Register on 13th day of November 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi