



**Before:** Judge Joelle Adda  
**Registry:** New York  
**Registrar:** Nerea Suero Fontecha

KOLLIE

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

**ON CASE MANAGEMENT**

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**Counsel for Applicant:**  
A. Ndubuisi Nwabudike

**Counsel for Respondent:**  
Alan Gutman, ALD/OHR, UN Secretariat

## **Introduction**

1. The Applicant, a former staff member with the United Nations Mission in Liberia (“UNMIL”), contests the Secretary-General’s decision accepting the recommendation of the Advisory Board on Compensation Claims (“ABCC”) awarding USD30,412.29 for a 28 percent permanent loss of function of the whole person under art. 11.3(c) of the Appendix D to the Staff Rules (“Appendix D”). The Applicant claims that he is entitled to compensation at a higher level as well as other remedies. The application was initially filed with the Nairobi Registry on 2 October 2017.

2. On 19 July 2019, the case was transferred to the New York Registry, and on 21 November 2019, it was assigned to the undersigned Judge.

3. At the Tribunal’s direction, on 20 January 2020, the Respondent provided various information and documents regarding the notification of the contested decision, the Applicant’s entitlements, and his separation from the Organization. On 29 January 2020, the Applicant filed a submission stating that the Respondent’s submission is neither responsive nor sufficient.

## **Considerations**

4. Having reviewed the parties’ submissions, the Tribunal considers it necessary to hear from the following witnesses: (a) the Applicant, (b) a medical doctor of the Medical Services Division (“MSD”), and (c) personnel from the ABCC, about the following issues:

- a. The method used to calculate the compensation in the amount of USD30,412.29 for a 28 percent permanent loss of function of the whole person, as set forth in the ABCC’s recommendation of 20 April 2017, and how the Secretary-General exercised his discretion as set forth in art. 11.3(c)

in making adjustments in the amount of compensation for the Applicant, a locally recruited mission personnel, as follows:

Calculation of award under Article 11.3(c):

Entitlement: If the maximum General Service net salary at location is less than the minimum General Service net salary at headquarters, then the calculation of the award is as follows:

Minimum GS net salary at HQ x 2 x Pen.Rem. P-4/V x 28% loss  
Maximum GS net salary at HQ

Maximum GS net salary at location = US\$ 24,953

Minimum GS net salary at HQ = US\$ 26,750

Maximum GS net salary at HQ = US\$ 67,242

Pensionable Remuneration P-4/V = US\$ 136,520

$\frac{\$26,750}{\$67,242} \times (2 \times \$136,520) \times 28\%$

$0.3978 \times \$273,040 \times 0.28 = \$30,412.29$

b. Whether the ABCC considered and made a recommendation on the Applicant's request for the payment of all out of pocket expenses supposedly approved by the MSD, as referenced in the email communication dated 7 February 2017 (Annex 12 of the application). In the email, it is stated:

Please be advised that MSD, UNHQ have exceptionally approved payment of [daily subsistence allowance] and related claims. However, it has also to be approved by ABCC for which we are waiting for their approval. Once we receive confirmation from ABCC, you will be paid by UNMIL. We are closely following up with ABCC.

c. Whether the ABCC considered and made a recommendation as to whether the Applicant's injury constitutes partial or total disability under art. 11.1 and 11.2 of the Appendix D, as referenced in the memorandum of 15 December 2016 from the ABCC to the MSD (Annex 6 of the reply).

IT IS ORDERED THAT:

5. The Tribunal will hold a one-day hearing between 5 and 6 March 2020 or between 24 and 27 March 2020;
6. **By 4:00 p.m. on Friday, 14 February 2020,**
  - a. The Respondent is to confirm who will appear from the MSD and the ABCC, respectively, and whether they are available on the proposed hearing dates; the modalities of their appearance (telephone or video-conference); and whether interpretation/translation into English is required for any of them;
  - b. The Applicant is to confirm whether he and his Counsel are available on the proposed hearing dates; the modalities of their appearance (telephone or video-conference); and whether interpretation/translation into English is required for any of them;
7. **By 4:00 p.m. on Friday, 14 February 2020,** both parties are to inform the Tribunal whether the parties wish to call any other witnesses. If the answer is yes, the parties are to confirm the name of these witnesses, providing a summary of their testimonies to show why they would be relevant, and confirm the witnesses' availability during the above-mentioned period;
8. All further technical and logistical arrangements required for the organization of the hearing will be coordinated through the New York Registry.

*(Signed)*

Judge Joelle Adda

Dated this 6<sup>th</sup> day of February 2020