

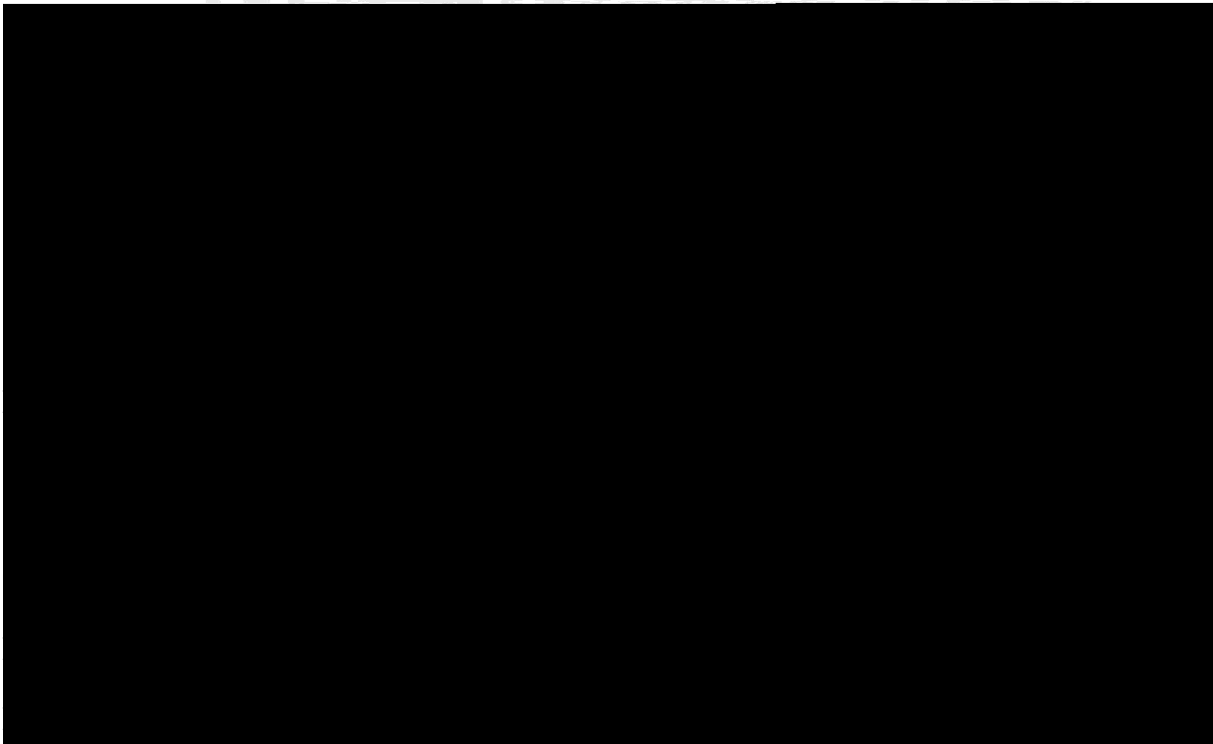


**UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D'APPEL DES NATIONS UNIES**

**Langue
(Respondent/Applicant)**

v.

Secretary-General of the United Nations



THE UNITED NATIONS APPEALS TRIBUNAL

of resignation so that the paperwork could be done internally because nobody could trace the initial resignation.

... On 24 December 2014, the Applicant reissued her resignation letter and sent it, on 26 December 2014, to Christopher Watson, Human Resources (HR) at UNICEF headquarters with a copy to Ms. Dolo. Her resignation was accepted on 13 January [2015] with an effective date of 19 October 2014.

... On 29 January 2015, the Applicant received an email informing her of her separation entitlements which covered travel (Cotonou – Yaoundé) with excess baggage; unaccompanied shipment; shipment insurance or equivalent in cash; repatriation grant; pension; travel lump sum option for her and one child; and accrued annual leave.

... Between February and April 2015, the Applicant corresponded with UNICEF on the matter of her separation entitlements and the necessary paperwork.

a. On 9 February 2015, she sent several documents to support her separation process[,] namely: a lump sum request for travel and shipment; a payroll clearance action form; the United Nations pension fund form; the status report and request for payment of dependency benefits; and the exit questionnaire.

b. On 17 February 2015, the Applicant transmitted a proof of residence document. Mr. Watson responded to the Applicant on the same day informing her that the proof of residency needed to be sent to New York.

c. On 27 February 2015, the Applicant was informed that she had failed to sign the documents. She transmitted the signed documents on 2 March 2015 indicating in her communication that she had made a mistake by failing to sign the said documents.

d. On 6 March 2015, UNICEF HR informed the Applicant that they had received her proof of residency but section one of the document required the UNICEF Representative's signature and that the form could not be processed until this happened.

e. On 11 March 2015, the Applicant informed UNICEF HR that she had sent all the requested originals using express delivery mail.

f. On 31 March 2015, the Applicant wrote to Mr. Watson querying the separation process. She indicated that she had done all the paperwork and requested further guidance.

g. On 1 April 2015, the Applicant wrote to the UNICEF Deputy Director, Division of Human Resources Management (DHRM) requesting her assistance with the separation process. The Deputy Director/DHRM

responded to the Applicant on 27 April 2015 and asked her UNICEF HR colleagues to provide an update and clarification to the Applicant.

h. On 28 April 2015, Maria Bergeron, UNICEF HR, informed the Applicant that they had been working on her separation case since December 2014 and that she would be paid for her annual leave balance and repatriation grant in two to three days.

i. On 5 May 2015, the Applicant received payments on account of unused leave and repatriation grant, from which a lion's share of USD 19,539 was deducted for [the United Nations Federal Credit Union (UNFCU)], thus leaving USD 4,961.66, and on 11 May 2015 she received USD 718.90 as equivalent of repatriation travel.

... On 20 May, 28 July and 18 August 2015, the Applicant wrote to UNICEF HR officials, including the UNICEF Director, Human Resources and the Etleed clarification regarding her separation entitlements. She queried specifically about the lump-sum owed to her. On 20 August 2015, after the Applicant informed J(e)- about engaging the formal justice mechanisms, the Direct(d) Human Resources informed that a travel lump sum of USD 718.79 had been paid by the Benin Country Office anded2695 beeR0I46jorrdr47

The Secretary-General also agreed to pay, “as a gesture of goodwill”², such interest for the period from 29 January 2015 to the date of each payment in respect of each separation entitlement and interest upon that interest from the date it was owed until the date of the UNDT hearing on 31 October 2017. The UNDT held a hearing on the merits on 31 October 2017 during which it received oral evidence from Ms. Langue.

4. The UNDT rendered its Judgment on 13 December 2017, partially granting Ms. Langue’s application. The UNDT rejected Ms. Langue’s challenge of the denial to grant her a termination indemnity finding that, pursuant to Staff Regulation 9.3(c), read in conjunction with Staff Rule 9.6(b), termination indemnities may on

6. On 12 February 2018, the Secretary-General filed the appeal against the UNDT

T

THE UNITED NATIONS APPEALS TRIBUNAL

Judgment No. 2018-UNAT-858