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UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2021/003

Judgment No.: UNDT/2021/112

Date: 23 September 2021

Original: English

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**Before:** Judge Joelle Adda

**Registry:** New York

**Registrar:** Nerea Suero Fontecha

WENZ

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**JUDGMENT**

**ON RECEIVABILITY**

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**Counsel for Applicant:**

Alex Haines

**Counsel for Respondent:**

Matthias Schuster, UNICEF



8. By memorandum dated 12 January 2021, the Controller was notified that the Under-Secretary-General of the Department for Management, Policy and Compliance (“USG/DMSPC”) had rescinded the 22 July 2021 decision. The Controller was informed that the USG/DMSPC and UNICEF both concurred that the Applicant had provided sufficient evidence to fully support her claim that the incident occurred, and the matter was remanded back to the ABCC for a fresh review of her claim. UNICEF notified the Applicant, through her Counsel, on 13 January 2021.

9. On 17 May 2021, the acting Secretary of the ABCC informed the Applicant that the Board had recommended the recognition of her illness as service incurred and that the Controller had endorsed the recommendation.

### **Consideration**

10. In *Crotty* 2017-UNAT-763, para. 15, the Appeals Tribunal determined that the Dispute Tribunal lacks



