



27 OCT 1950

ADMINISTRATIVE INSTRUCTION

To: Members of the Staff of United Nations

Subject: COMPENSATION FOR LOSS OF PERSONAL EFFECTS

1. Purpose

The purpose of this Instruction is to define the policy in respect to compensation to staff members of the United Nations for the loss of personal effects attributable to service, and to set forth the procedure for the examination of claims submitted in connexion with such losses.

2. Definitions

For the purposes of this Instruction:

- (a) The word "loss" wherever it appears shall be deemed to include the words "damage" and "destruction".
- (b) The words "personal effects" wherever they appear shall be deemed to mean "such personal effects as are owned by and are for the personal use of the claimant, except that the following shall not be considered personal effects for which compensation will be paid: animals, automobiles, automobile robes and equipment, cameras, motorcycles, boats, motors and other conveyances or their appurtenances; household furniture, jewelry, money or money instruments, securities, tickets and documents or any articles of a brittle, fragile or perishable nature". This list may be expanded or contracted according to experience.
- (c) The words "appropriate administrative officer" shall mean
 - (i) in the case of Headquarters, the Executive Officer of the Department concerned;
 - (ii) in the case of the European Office, the officer designated by the Director to perform the functions set out herein;
 - (iii) in the case of any Commission or Mission, the Administrative Officer of any such Commission or Mission;
 - (iv) in the case of any Information Centre, the Director of any such Information Centre;

- (v) in the case of the Technical Assistance Administration, the Executive Officer of such Administration.

3. Basis for Compensation

(a) Reasonable compensation shall be paid in the event of any staff member, or his wife, or any dependent child of any such staff member suffering any loss of personal effects which in the opinion of the Secretary-General is deemed to have arisen out of or in the course of performing official duties on behalf of the United Nations except that no compensation shall be paid when such loss has been occasioned by the negligence of the claimant.

(b) Without restricting the generality of clause (a) of this paragraph, any such loss shall be deemed to have arisen out of or in the course of performing official duties on behalf of the United Nations in the absence of any negligence when

- (i) the loss resulted as a natural incident of performing official duties on behalf of the United Nations, or
- (ii) the loss occurred without reference to performing official duties on behalf of the United Nations in any area which the Secretary-General has declared to be a special area and when any such loss occurs as a direct result of any special hazards in any such special area, or
- (iii) the loss occurred without reference to performing official duties on behalf of the United Nations while and as a direct result of traveling by means of transportation furnished by or at the expense of the United Nations, excluding vehicles made available to staff members for their personal use, when such vehicles are not being operated by official United Nations drivers.

(c) The Mission Coordination Committee shall recommend to the Secretary-General the designation of special areas and special hazards referred to in this paragraph.

4. Conditions of Payment

(a) Limits of Compensation

No sum in excess of \$1000 shall be paid by way of compensation to any one claimant in respect of any one incident regardless of the number of articles comprising the personal effects lost by any such claimant as the

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result of any such incident, excepting where more than one claimant in the same family group is involved in which event the maximum payable by way of compensation in respect of any such case shall be \$2000 instead of \$1000.

(b) Wife and Dependent Children

The wife or any dependent child of any staff member shall not be entitled to make any claim for any loss in a mission area unless the wife or any such dependent child is in any such mission area with the permission of the Secretary-General.

(c) Notification of Loss

In the event of any loss the claimant shall notify as soon as possible the appropriate Administrative Officer as well as any other appropriate authorities, including the police and any other authority that might be concerned and shall promptly take all reasonable measures to recover the personal effects so lost.

(d) How Compensation shall be Calculated

The amount of compensation payable in any case shall be calculated by taking the original cost of any article of personal effects lost and by deducting from the amount of any such cost a sum equal to the amount by which any such article has depreciated in value, taking into account the normal life of any such article in relation to its cost price and such other factors as might have a material bearing.

(e) Release

Payment of compensation will always be conditional on the recipient signing an instrument in a form to be prescribed by the United Nations releasing the United Nations from any liability with respect to the particular claim and at the same time granting the United Nations freedom of action in respect to prosecuting any such claim with the right to retain out of any monies recovered as a result of prosecuting any such claim a sum equal to the amount paid by the United Nations to the claimant together with any expenses arising out of prosecuting any such claim.

5. Claims Board

A Claims Board is hereby established for the examination of claims submitted under the provisions of this instruction. This Claims Board will consist of one representative from each of the following units:

/Legal

Legal Department
Bureau of Finance
Bureau of Personnel

The Assistant Secretary-General of the Legal Department, the Director of the Bureau of Finance and the Director of the Bureau of Personnel will, respectively, designate a representative and an alternate to the Board. Such designations will be made in writing to the Assistant Secretary-General for Administrative and Financial Services. The representative of the Bureau of Finance shall be the Chairman. The Board will act in an advisory capacity in respect of the settlement of individual claims. In addition the Board may make such suggestions as it sees fit in respect of the general policy in relation to claims of this nature. The Board will, within the provisions of this instruction, determine its own rules of procedure. The Director of the Bureau of Finance will designate a Secretary to the Board.

6. Procedures

(a) Submission of Claims

Claims for compensation will be submitted by the claimant to the appropriate administrative officer for forwarding to the Secretary of the Claims Board in the Bureau of Finance. Such claims shall be submitted in triplicate and shall include

- (i) a signed statement by the claimant setting out in detail a description of the articles of personal effects lost, the original cost of any such article, the age of any such article and the condition of any such article at the time of loss. Such statement shall also set out all circumstances pertinent to the loss and the action taken by the claimant in accordance with paragraph 4 (c);
- (ii) signed statements by any other person in a position to furnish useful information relating to the loss;
- (iii) the recommendations of the appropriate Administrative Officer as to how the claim should be handled together with his reasons for the recommendations;
- (iv) any additional data which the circumstances in any particular case might suggest.

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The appropriate administrative officer shall be responsible for insuring that claims are submitted in the form required above.

(b) Determination of the Amount of Compensation

The recommendations of the Claims Board in respect of any particular claim shall be transmitted by the Secretary of the Claims Board to the Director of the Bureau of Finance. The Claims Board may recommend that compensation in excess of the limits prescribed in paragraph 4 (a) shall be paid in any particular case where in the opinion of the Claims Board very unusual hardship would be worked by limiting the compensation of the amounts herein prescribed. Based on these recommendations the Director of the Bureau of Finance will decide the amount of award to be made provided that when an award in excess of the limits prescribed in 4 (a) is recommended by the Claims Board and concurred in by the Director of the Bureau of Finance, the Director of the Bureau of Finance will forward the case to the Assistant Secretary-General for Administrative and Financial Services for his decision.

(Signed) BYRON PRICE
 Assistant Secretary-General
 for Administrative and Financial Services
