

UNITED N

to the same extent beyond 61 December 2016. 4. +H. to separate on 61 December 2016 pending GA decision.). +H. that the / our 'a3e no len on a post / 'le on temporary assignment / it' 4:CT. ?. +H. to include the statement, 2/ * 'as no len against Umo;a post- in 8'e9 8PA9 form. =. +H. not to inform 8'e9 / 'o 's a ""ounta\$ e fo * 22 %esou%"es so t'at 8s'e9 1no/8s9 / 'o 8s'e9 "an speak to a\$out 8'e9 post-.

22. By email of 27 December 2016 the Appellant provided comments to the Note of the file of 24 December 2016 stating inter alia, that, separation / as not mentioned at the meeting. 2'e a so as led fo fut'e " a!f!"ations "on"en!ng t'e de"isions taken regarding 'e post.

26. By email of the same day the Administrative Staff $<4/D * &$ informed the Appellant that 4:CT 'ad %eBusted t'e e7tension of 'e temporary assignment for an additional period of the month's t'oug' 61 * a"" 2014. 2a!d email fut'e stated t'e fo o / !ng +emp'as!s !n t'e o!g!na .F

In this regard please note that to date the GA9 'as not made a decision regarding the proposed assessment of your post.

In light of the above and / 'le / e a/at t'e GAs de"ision regarding your post t'e t'ee(mont' e7tension of t'e assignment / our d \$e \$ased on one of t'e fo o / !ng "onditionsF

1. If the GA9

2>. 4n 1) January 2014 s'e agaln fl ed a %eBuest fo% management e3a uat!on +* < %eBuest No. 4. of t'e de"!s!ons ,1. +H. t'at 8s'e9 8/ ou d9 'a3e no !en on a post / '!'e on tempo%ay ass!gnment /!' 4:CT \$eyond 61 De"em\$e% 2016. 2. +H. not to ass!st 8'e9 !n e7"ept!ona p a"ement aga!nst a post. 6. +H. not to !nfo% m 8'e9 / 'o !s a""ounta\$ e fo% * 22 %esou%"es +H.-. 2'e %e"el3ed a %ep y dated 1? Janua%y 2014!n / '!' t'e * <U "on" uded t'at 'e% * < %eBuest No. 4 / as not %e"e!3a\$ e.

60. By app !"at!on fl ed on 10 #e\$%ua%y 2014! t'e App !"ant "ontested t'e de"!s!on to a\$o !s' 'e% post /!' * 22! t'e de"!s!ons to sepa%ate 'e% f%om t'e 4%gan!5at!on as of 61 De"em\$e% 2016 and not to %ene/ 'e% fl7ed(tem appo!ntment! as /e as t'e ,de"!s!on not to ass!st !n t'e e7"ept!ona p a"ement aga!nst a post! de"!s!on on t'e "ond!t!ons of 8'e9 %e ease on tempo%ay ass!gnment to 4:CT and t'e de"!s!on to /!' 'o d !nfo%mat!on %ega%dlng a""ounta\$! !ty fo% * 22 posts and %esou%"es-.

61. 4n 12 #e\$%ua%y 2014! t'e app !"at!on / as se%3ed on t'e @espondent! / 'o fl ed !s %ep y on 14 * a%"' 2014.

62. 4n 4 * a%"' 2014! t'e App !"ant / as !nfo%med \$y ema! f%om t'e Adm!n!st%at!3e 4ff!"e% <4/D * ! t'at 4:CT 'ad %eBusted t'e e7tens!on of 'e% tempo%ay ass!gnment fo% an add!t!ona pe!od of t'!ee mont's t'!oug' 60 June 2014. T'e ema! spe"!"! "a y ment!oned t'at ,t'!s e7tens!on 8/ ou d9 \$e unde% t'e same te%ms and "ond!t!ons as 8'e9 "u%%ent ass!gnment! !.e. t'e%e 8/ ou d9 \$e no !en on a post !n * 22 o% any ot'e% post !n 8D * 9 s!n"e 8'e9 post !n * 22 / as a\$o !s' ed effe"t!3e 1 Janua%y 2014-.

66. By 4%de% No. 10E +GVA/2014. of 1? Ju y 2014! t'e T%!\$una "on3o!ed t'e pa%t!es to an o%a 'ea%ng! / '!' / as 'e d on 4 2eptem\$e% 2014 \$y 3!deo"onfe%en"e. T'e App !"ant !nd!"ated at t'e 'ea%ng t'at !n t'e meant!me 'e% "ont%a"t 'ad \$een e7tended unt! 61 De"em\$e% 2014 on 'e% "u%%ent tempo%ay pos!t!on /!' !n 4:CT.

o%de% to p%esent 'e% post as 3a"ant \$efo%e t'e ACABG and #!ft' Comm!ttee as part of t'e 6E pe%"ent of t'e 3a"ant posts as at 1 Janua%y 2014 !n o%de% to ;ust!fy a\$o !s' ment of t'ose postsL

On the merits

e. 2'e 'ad %easona\$ e e7pe"tat!on to \$e !e3e% \$ased on t'e engt'y "o%%esponden"e \$et / een t'e U2G/D * and t'e D!%e"to%Umo;a% t'at * 22 posts /ou d %etu%n to t'e 4ff!"e of t'e U2G/D * fo o / !ng t'e "omp et!on of Umo;a%L

f. T'e %eason g!3en \$y t'e <7e"ut!3e 4ff!"e% D * t'at 'e% post /ou d no onge% \$e ne"essa%y g!3en t'at Umo;a / as a %eady do!ng \$us!ness p%o"ess !mp%o3ement !s not suppo%ted \$y t'e fa"tsL

g. :n A/?E/6=) & / '!' / as t'e #!ft' p%og%ess %epo%t p%epa%ed on Umo;a s!n"e 200> t'e%e / as no ment!on of t'e tempo%a%y !nteg%at!on of * 22 staff !nto Umo;a anymo%e% e3en t'oug' * 22 staff /e%e st! !nteg%ated / !t' !n Umo;a% / !' e t'e !ntent!on to "%eate a \$us!ness %e(eng!nee!ng g%oup / as a %eady statedL t' !s !nd!"ates t'at t'e !ntent / as to %ep a"e * 22 / !t' a ne / team p%e%orm!ng t'e same fun"t!onsL fut'e mo%e% no "ons!de%at!on / as g!3en to a"tua 3a"an"les and p%o;e"ted %et!%ements / 'en !dent!fy!ng posts to \$e a\$o !s'ed. T'e fa"t t'at se3e%a 3a"an"y announ"ements 'ad \$een pu\$!s'ed !n 2016 to %e"ult t' %ee G2 staff / !t' Umo;a% t'oug' t'e%e seemed to \$e no fund!ng to "ont!nue 'e% post% s'o/s t'at t'e / 'o e p%o"edu%e ead!ng to t'e a\$o !s' ment of t'e * 22 posts / as ta!nted \$y an !n'e%ent "onf !"t of !nte%est and% 'en"e% / as f a / edL

' . T'e C'!ef% * 22% / as not "onsu ted t' %oug' out t'e de" !s!on(ma!ng p%o"ess. T'e Adm!n!st%at!on 'as \$een !ntent!ona y e3as!3e t' %oug' out t'e ent!%e p%o"ess to / a%ds t'e App !"ant% and desp!te 'e% nume%ous %eBuests% !t d!d not !nfo%m 'e% as to / 'o / as a""ounta\$ e fo% t'e * 22 %esou%"esL

!. 2'e / as not g!3en suff!"!ent not!"e of te%m!nat!on of 'e% "ont%a"t% / '!' ' %esu ted !n "aus!ng 'e% an e7t%eme stress% espe" !a y !n De"em\$e%

2016 / 'en s'e / as fa"ed / !t' t'e un"e%ta!nty su%%ound!ng 'e% "ont%a"tua s!tuat!onL

;. T'e Adm!n!st%at!on t%eated 'e% /!t'out due "ons!de%at!on! In pa%t!"u a% / 'en s'e d!d not get t'e ass!stan"e s'e 'ad %eBusted \$ased on se".11 of 2T/A:/2010/6 +2taff se e"t!on system.. /!'!" dea s /!t' -p a"ement aut'o%!ty outs!de t'e no%ma p%o"ess-L

1. T'e se%les of e3ents s'e "ontests! name y t'e den!a of a !en aga!nst a post !n D *! t'e de"!s!on not to %ea\$so\$ 'e% fo o"!ng t'e end of 'e% tempo%a%y ass!gnment! and t'e de"!s!on not to !nfo% m 'e% as to /'o !s a""ounta\$ e fo% *22 %esou%"es so t'at s'e "ou d e7p o!e e7"ept!ona p a"ement aga!nst a post! demonst%ates t'at t'e de"!s!on to a\$o !s' t'e post s'e /as en"um\$e!ng /as !ntended to deny 'e% t'e oppo%tun!ty fo% "ont!nued emp oyment /!t' t'e UN fo% /!'!" s'e /as e !g!\$ el s'e a so /as not a\$ e to app y fo% t'e 0oung P%ofess!ona s P%og%amme! s!n"e to \$e e !g!\$ e fo% !t staff mem\$e% s must 'o d an appo!ntment 3a !d fo% a m!n!mum of s!7 mont's! /!'!" /as not " ea% !n 'e% "ase due to 'e% un"e%ta!n "ont%a"tua s!tuat!onL

. 2'e %eBuests t'e %es"!s!on of t'e !mpugned de"!s!ons and "ompensat!on fo% t'e d!st%ess! t'e 'a!m and damage "aused! !n" ud!ng t'e oss of ;o\$ se"u%!ty! t'e oss of "'an"e fo% "on3e% s!on to a "ont!nu!ng appo!ntment! and t'e oss of "a%ee% oppo%tun!ties /!t' !n t'e UN. #!na y s'e %eBuests t'at t'e T%!\$una o%de% s a %efe%%a of t'e matte% to t'e 2e"%eta%y(Gene%a fo% a""ounta\$! !ty pu%poses.

6). T'e @espondent s p%!n"!pa "ontent!ons a%eF

On receivability

a. T'e app !"at!on !s not %e"e!3a\$ e razione materiae s!n"e t'e App !"ant does not "ontest adm!n!st%at!3e de"!s!ons unde% a%t. 2+1.+a. of t'e T%!\$una As 2tatuteL

\$. :ndeed t'e T!\$una does not 'a3e ;u%!sd!"t!on to %e3!e/ t'e GAs
de"!s!on to a\$o !s' t'e post en"um\$e%ed \$y t'e App !"antL mo%eo3e% su" ' a
de"!s!on 'ad no effe"t on t'e App !"antAs te%ms of appo!ntment as 'e%
"ont%a"t 'ad \$een fu%t'e% %ene / edL fu%t'e% a staff mem\$e% does not 'a3e a
%!g't to 'a3e '!s o% 'e% pos!t!on f!nan"ed \$y a pa!t!"u a% postL

".

6?. At t'e outset and in 3le/ of t'e numerous %eBuests fo% management e3a uat!on fl ed \$y t'e App !"ant p%lo% to t'e fl !ng of 'e% p%esent app !"at!on! t'e T%!\$una needs to dete%mlne of / '!"' de"!s!ons !t 'as \$een du y se!5ed. :indeed! pu%suant to t'e ;u%!sp%uden"e of t'e Appeas T%!\$una !n Massabni 2012(UNAT(26EF

2. T'e duties of a Judge p%lo% to tal!ng a de"!s!on !n" ude t'e adeBuate !nte%petat!on and "omp%e'ens!on of t'e app !"at!ons su\$mltted \$y t'e part!es! / 'ate3e% t'e!% names! / o%ds! st%u"tu%e o% "ontent t'ey ass!gn to t'em! as t'e ;udgment must ne"essa%! y %efe% to t'e s"ope of t'e part!es! "ontent!ons. 4t'e% /!se! t'e de"!s!on(male% /ou d not \$e a\$e to fo o/ t'e "o%%e"t p%o"ess to a""omp!s' '!s o% 'e% tas!! mal!ng up '!s o% 'e% m!nd and e a\$e at!ng on a ;udgment mot!3ated !n %easons of fa"t and a / %e ated to t'e part!es! su\$mlss!ons.

6. T'ust t'e aut'o%!ty to %ende% a ;udgment g!3es t

6>. 2!n"e t'e App !"ant e7p%ess y "onf!%med at t'e 'ea%!ng t'at t'ose / e%e t'e de"!s!ons s'e /!s'ed to "'a enge% t'e T%!\$una "ons!de% s t'at !t !s du y sel!5ed on y of t'e f!3e de"!s!ons as !sted a\$03e. :n 3!e / of t'e fa"t t'at t'e @espondent

But "on" under that it was not a position of confidence in the
the GAAs e7" us!3e %ea m . 2!n"e !t !s not / !t' !n !ts ;u%!sd!"t!on& t' !s T%!\$una ' as
no aut' o%!ty to %e3!e / t' e de"!s!on !n Buest!on +fo% a s!m! a% app%oa" ' & see %e"ent
Judgments Smith UNDT/2014/0>>& ' eegan UNDT/2014/100& and Dagadu
UNDT/2014/101..

Decision to separate the Applicant effective () December *+)(and non, rene "al
o\$ her \$i-ed, term a ointment

4). The T%!\$una notes that at the date of the judgment the Applicant is still in
the employment of the 4%gan!5at!on. Ke% f!7ed(te%m appo!ntment 'as \$een
e7tended from 1 January 2014 until 31 December 2014 and she was not \$een
sepa%ated from the 4%gan!5at!on at any point in time. The%efo%e& t' ese "ontent!ons
of the Applicant are moot.

Decision not to assist the Applicant in the exceptional placement against a cost

4?. By e7p%ess!ng 'e% d!s"ontent o3e% t' e fa"t t' at she had not \$een assisted \$y
the Adm!n!st%at!on !n t' e pa"ement aga!nst anot' e% post fo o/ !ng t' e
a\$o !s' ment of the post she !n!t!a y en"um\$e%ed& t' e App !"ant !s !n fa"t %efe%%!ng

t'e mean!ng of t'e 2taff @u es-. T'e%efo%et t'e App

The respondent to this case documents that the above-mentioned documents are relevant to its decision on the case.

1. In view of the foregoing, the Tribunal finds that the

The application is rejected in its entirety.

Signed.

Judge Thomas Daley

Dated this 60th day of September 2014

Entered in the Registry on this 60th day of September 2014

Signed.

Enrique Vargas, Registrar