UNITED NATIONS DISPUTE TRIBUNAL

1. ! a""#$%at$on f$#ed on 2& De%em'e(2014)$a ema$#* and on 2+ Janua(! 2015)$a t,e T($'una#-s e.$#$ng "o(ta#* t,e A""#$%ant* a staff mem'e(of t,e Un$ted Nat$ons /$g, Comm$ss$one(fo(0efugees 12UN/C034* %ontests ,e(non5se#e%t$on to fou("osts ad)e(t$sed $n t,e 6e"tem'e(201+ and 7a(%, 2014 Com"end$um of Va%ant Pos$t$ons* name#!8

a. C,$ef of 6e%t$on 1P(o%u(ement of 6e()$%es4 $n uda"est* /unga(! 1P554 1Jo' 9"en$ng 12J934 &+24 1:;"e(t4* Pos$t$on No. 1001<7544 12Pos$t$on 134=

'. 6en$o(P(ote%t$on 9ff$%e($n >a'u#* Afg,an$stan 1P544 1J9 &50<* Pos$t$on No. 100142<54 12Pos$t$on 234=

%. 6en$o(P(ote%t$on 9ff$%e(1?nte(na##! D$s"#a%ed Pe(sons 1?DPs44 $n >a'u#* Afg,an$stan 1P544 1J9 &+5+* Pos$t$on No. 10020<&24 12Pos$t$on +34= and

d. 6en$o(P(ote%t$on 9ff$%e($n @uetta* PaA$stan 1P544 1J9 <647* Pos$t$on No. 1001<0154 12Pos$t$on 434.

2. T,e A""#$%ant Bo$ned UN/C0 $n 6e"tem'e(2000 as P(ote%t$on 9ff$%e(at t,e P5+ #e)e# $n T'$#s* Geo(g$a* and Cas g(anted an $ndef$n$te a""o$ntment unde(t,e 100 se($es of t,e fo(me(6taff 0u#es. ?n Janua(! 2004* s,e Cas a""o$nted to t,e "os$t$on of 6u""#! 9ff$%e(1P5+4 at t,e Cont(a%ts Un$t* 6u""#! 7anagement 6e()$%es* $n Gene)a* and* $n De%em'e(2007* s,e Cas a""o$nted as 6en$o(Cont(a%ts 9ff$%e(1P544 C$t,$n t,e same un$t. ?n No)em'e(200&* s,e Cas "(omoted to t,e P54 #e)e#.

+. ?n August 2012* t,e A""#$%ant-s "os$t$on as 6en$o(Cont(a%ts 9ff$%e(Cas d$s%ont$nued and* f(om t,at t$me* s,e Cas "#a%ed on)a($ous tem"o(a(! ass$gnments $n Gene)a. 7o(e s"e%$f$%a##!* $n August 2012* s,e Cas tem"o(a($#!

ass$gned as 6en$o(Cont(a%ts 9ff$%e(to t,e 0eg$ona# u(eau fo(As$a and t,e Pa%$f$% and* $n 7a(%, 2014* s,e Cas tem"o(a($#! ass$gned as 6en$o(Dega# 9ff$%e(to t,e 6taff Coun%$#. 6$n%e 1 Janua(! 2015* s,e ,as 'een tem"o(a($#! ass$gned as 6en$o(Po#$%! 9ff$%e(C$t, t,e D$)$s$on of /uman 0esou(%es 7anagement 12D/0734.

4. Pos$t$on 1 Cas ad)e(t$sed as an 2e;"e(t "os$t$on3 $nte(na##! on 15 A"($# 2014 $n t,e 7a(%, 2014 Com"end$um of Va%ant Pos$t$ons u" to De%em'e(2014 12 7a(%, 2014 Com"end$um34* as Ce## as e;te(na##!. ?t (eEu$(ed* so#$d e;"e($en%e $n %oo(d$nat$ng* manag$ng and su""o(t$ng "(o%u(ement se()$%es* as Ce## as $n de)e#o"$ng te%,n$%a# s"e%$f$%at$ons fo("(o%u(ement se()$%es and $n de)e#o"$ng te%,n$%a##! and #ega##! %om"#e; se()$%e %ont(a%ts.

5. Afte(,a)$ng (e%e$)ed ,e(a""#$%at$on* D/07 "#a%ed t,e A""#$%ant on t,e s,o(t5#$st of %and$dates su'm$tted to t,e manage(-s (e)$eC* 'ut t,e #atte(found ,e(not su$ta'#e fo(t,e "os$t$on* on t,e g(ound t,at 2Fs,e ,adG "(esented fo(a sm#a("ost as C,$ef of 6e%t$on 1P(o%u(ement of Goods4 and d$d not $m"(ess t,e "ane# $n $nte()$eC3 and 2Cas %onseEuent#! not s,o(t#$sted fo(fu(t,e(%ons$de(at$on3.

6. ased on t,e manage(-s assessment* D/07 d$d not (e%ommend t,e A""#$%ant fo(Pos$t$on 1 as s,e d$d not 2"ossess t,e (eEu$(ed 'a%Ag(ound o((e#e)ant e;"e($en%e fo(t,$s "os$t$on3* and (e%ommended anot,e($nte(na# %and$date at t,e P54 #e)e# fo(se#e%t$on.

7.

17. D / 0 7 "#a%ed t,e A""#$%ant* C,o ,ad a#so a""#$ed to t,$s "os$t$on* on t,e s,o(t5#$st of %and$dates and soug,t 2fun%t$ona# %#ea(an%e3 f(om t,e D$)$s$on of ?nte(nat$ona# P(ote%t$on.

1<.

+7. ot, "a(t$es ag(eed t,at t,e "(esent %ase 'e de%$ded on t,e "a"e(s.

+<. T,e A""#$%ant-s "($n%$"a# %ontent$ons a(e8

a. 6,e Cas not %onsu#ted '! D/07 to ensu(e t,at s,e ,ad a%%ess to a##

$.

e. T,e A"'#$%ant-s status as a staff mem'e($n 'etCeen ass$gnments d$d not (eEu$(e "a(t$%u#a(%ons$de(at$on as t,e 6? A Po#$%! does not a"'#! to (egu#a(ass$gnments unde(t,e PPAP* and t,e #atte(does not "(o)$de fo("($o($t! %ons$de(at$on fo(staff mem'e(s C,o a(e $n 'etCeen ass$gnments=

f. DAeCse* t,e A"'#$%ant d$d not su'm$t an! e)$den%e

s,a## e;am$ne 2114 C,et,e(t,e "(o%edu(e as #a$d doCn $n t,e 6taff 0egu#at$ons and 0u#es Cas fo##oCed= and 124 C,et,e(t,e staff mem'e(Cas g$)en fa$(and adeEuate %ons$de(at$on3 1/""

67. Cons$de($ng t,at t,e /ead of t,e P(o%u(ement 7anagement and Cont(a%t$ng 6e()$%e (e#$ed e;%#us$)e#! on $((e#e)ant %ons$de(at$ons to Bust$f! ,$s f$nd$ng t,at

2st(ong "(ote%t$on 'a%Ag(ound3. As t,e A""#$%ant-s fa%t s,eet s,oCs* s,e Co(Aed on#! fo(t,(ee !ea(s $n t,e a(ea of "(ote%t$on* $.e. f(om 2000 to 200+= $t Cas* t,e(efo(e* not un(easona'#e to %on%#ude t,at s,e d$d not ,a)e t,e (eEu$(ed e;"e($en%e fo(t,e "ost.

7+. G$)en t,at t,e A""#$%ant Cas found not su$ta'#e fo(t,e "ost and* t,e(efo(e* Cas not among t,e 2su'stant$a##! eEua##! su$ta'#e %and$dates3* t,e(e Cas no (eEu$(ement to taAe $nto a%%ount ,e(s$tuat$on as a staff $n 'etCeen ass$gnments o(on tem"o(a(! ass$gnment $n t,e se#e%t$on of t,e %and$date fo(Pos$t$on 2.

74. Dast#!* t,e T($'una# f$nds t,at t,e m$nutes of t,e mat%,$ng e;e(%$se* as (ef#e%ted $n t,e D/07 6,o(t#$st$ng 7at($;* %om"#! C$t, t,e (eEu$(ement of

'ased on t,e A"'#$%ant-s fa%t s,eet* t,at s,e d$d not "ossess t,e (eEu$(ed e;"e($en%e. T,e assessment of t,e .un%t$ona# Un$t Cas* $n tu(n* a (e#e)ant e#ement

(

<5. 6$n%e t,e %ontested de%$s$on %on%e(ns a "(omot$on/a""o$ntment* t,e T($'una# s,a## set an amount of %om"ensat$on t,at t,e 0es"ondent ma! e#e%t to "a! as an a#te(nat$)e to t,e (es%$ss$on of t,e %ontested de%$s$on* $n a%%o(dan%e C$t, a(t. 10.51a4 of $ts 6tatute.

<6.

%omm$tted. A#t,oug, ,e(se#e%t$on fo(Pos$t$on 1 Cou#d ,a)e ,ad no $m"a%t on ,e("e(sona# g(ade* s,e Cou#d ,a)e 'een (emune(ated at t,e P55 #e)e#.

<&. ?n)$eC of t,e a'o)e5(efe(en%ed "($n%$"#es* and g$)en t,at t,e A""#$%ant Cas st$## (emune(ated at t,e P54 #e)e# at t,e t$me of ssung t,e "(esent de%$s$on and t,at t,e T($'una# does not ,a)e an! %on%(ete nd%at$on as to C,en t,e A""#$%ant C$## 'e a'#e* $n t,e futu(e* to seeA ass$gnment to a "ost at t,e P55 #e)e#* $t %ons$de(s t,at $t $s a""(o"($ate to assess %om"ensat$on* unde(a(t. 10.51a4 of $ts 6tatute* '! taA$ng $nto a%%ount t,e est$mated (emune(at$on d$ffe(en%e 'etCeen t,e P54 and t,e P55 g(ade fo(a "e($od of tCo !ea(s* C,$%, t,en ,as to 'e d$)$ded '! tCo. ased on t,ese fa%to(s* t,e amount of %om"ensat$on t,at t,e 0es"ondent ma! e#e%t to "a! $nstead of (es%$nd$ng t,e de%$s$on $s set to U6D+*500.

Com"ensat$on

&0. T,e A""#$%ant asAs fo(%om"ensat$on eEu$)a#ent to u" to s$; mont,s net sa#a(! fo(2"(o%edu(a# $((egu#a($t$es and me($ts3* nota'#! fo(fa$#$ng to taAe a 2"(o"e(ass$gnment de%$s$on3. 6,e a#so %#a$ms %om"ensat$on fo(mo(a# damages fo(* * 2"(eBud$%$a# o"$n$on of manage(s3.

&1. T,e T($'una# ma!* "u(suant to a(t. 10.51'4 of $ts 6tatute* aCa(d %om"ensat$on fo(,a(m suffe(ed as a (esu#t of a %ontested de%$s$on* $f su%, ,a(m ,as not 'een %om"ensated '! t,e (es%sson. .o(su%, %om"ensat$on to 'e aCa(ded* t,e a""#$%ant must $dent$f! t,e ,a(m suffe(ed. T,e T($'una# notes t,at a(t. 10.51'4 of $ts 6tatute a""u4 7 434 7 (,)834245(a)(-53 8. 7 (5(9 434 7 (o)-0. 9 6 0 221(n) 9. 6 9 84. 7 4- 7 (

&+. Tu(n$ng to mo(a# damages* t,e T($'una# %ons$de(s t,

: nte(ed $n t, e 0eg$s