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UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2019/092

Judgment No.: UNDT/2020/191

Date: 12 November 2020

Original: English

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**Before:** Judge Joelle Adda

**Registry:** New York

**Registrar:** Nerea Suero Fontecha

## Introduction

1. On 16 November 2019, the Applicant filed an application contesting the Administration's "refusal to move her back, with her post, to her normal function of P-3, French Unit of the Social Media Section".
2. On 18 December 2019, the Respondent filed his reply stating that the application is non-receivable and, in any event, without merit.
3. For the reasons set out below, the application is rejected.

## Relevant facts

4. On 14 February 2019, upon her return from leave, the Applicant was informed of her new duties within the Social Media Section, at the Department of Global Communications ("DGC").
5. On 8 July 2019, the Applicant emailed the Deputy Director, News and Media, DGC, requesting to "resume [her] normal duties as P3 in charge of the French Social Media Account".

On 29 July 2019, the Applicant was informed that her duties would be resumed on 1 October 2019. On 1 October 2019, the Applicant was assigned to the French Social Media Account as P3 in charge of the French Social Media Account.

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14. The Respondent further states that if the 12 July 2019 email were to be understood as a refusal of the Applicant's 8 July 2019 request to "put her in charge of the French Social Media Account", the rejection carries no legal consequences to the Applicant's terms of employment as the Applicant had no right to determine the organization of the work in her office or demand placement in a position that was

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19. Therefore, the 12 July 2019 email cannot be claimed to be an administrative decision producing direct legal consequences to the legal order. Accordingly, under the Appeals Tribunal jurisprudence ( 2012-UNAT-269), this communication does not constitute an appealable administrative decision under art. 2.1 (a) of the Tribunal's Statute.

20. Moreover, the Applicant failed to contest the assignment of her current functions