



UNITED NATIONS DISPUTE TRIBUNAL

Case No.:

Judgment No.: UNDT/2011/077

Date: 2 May 2011

English

Original: French

Before: Judge Jean-François Cousin

Registry: Geneva

Registrar: Víctor Rodríguez

WILSON

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Linda Starodub, UNOV/UNODC

Introduction

1. By application filed with the Dispute Tribunal on 21 June 2010, the Applicant contests the decision dated 14 April 2010 whereby the Officer-in-Charge, Human Resources Management Service (“HRMS”), United Nations Office at Vienna (“UNOV”) required him to charge to annual leave the day of Friday 12 March 2010, on which he travelled from Vienna to New York to take part in a training programme.

2. He requests that the day of 12 March 2010 not be charged to annual leave.

Facts

3. The Applicant is the holder of a fixed-term appointment at level P-5 as Chief of Operations, Investigations Division, Office of Internal Oversight Services (“OIOS”) in Vienna.

4. In early 2010, the Applicant was selected to take part in an OIOS Sexual Harassment Investigations Training of

8. Following a request by the Applicant, he was informed on 14 April 2010 by the Officer-in-Charge, HRMS UNOV that, according to the applicable Staff Rules and administrative instruction ST/AI/2006/4, he was required to charge the day of Friday 12 March 2010, on which he had travelled from Vienna to New York, to annual leave.

9. On 26 April 2010, the Applicant submitted a request to the Secretary-General for management evaluation of the abovementioned decision.

10. By letter of 10 June 2010, the Under-Secretary-General for Management

that it is subject to exceptions. In addition, staff rule 7.6(b) and section 7.1

21. Since the Applicant's official departure date from Vienna was Sunday 14 March 2010, a non-working day in Vienna, he would not, if he had left on that date, have been entitled to claim an additional day of annual leave. The fact that, for reasons of personal convenience, the Applicant was granted an exception by the Administration enabling him to leave on Friday 12 March, a working day, cannot operate to confer on him a benefit he would not have had if he had travelled on the official date laid down in the applicable instruments.

22. In applying the instruments cited above, the Administration was bound to charge Friday 12 March 2010 to the Applicant's annual leave, and his application must therefore be dismissed.

Conclusion

23. In view of the foregoing, the Tribunal DECIDES:

The application is dismissed.

(Signed)

Judge Jean-François Cousin

Dated this 2nd day of May 2011

Entered in the Register on this 2nd day of May 2011

(Signed)

Víctor Rodríguez, Registrar, Geneva