UNITED NATIONS D

1. ! a"'"#$%at$on f$#ed on 2& ' a(%) 2015* t)e A"'"#$%ant* a fo(me(T(ans#ato(+$t) t)e ,nte(nat$ona# C($m$na# T($-una# fo(t)e fo(me(. ugos#a/$a 01,CT . 23* %ontests t)e de%$s$on of 14 June 201& not to (et(oa%t$/e#! %on/e(t)$s f$5ed6te(m a"'"o$ntment $nto a "e(manent one.

2. ,n 2004* t)e 7(gan$8at$on unde(too9 a one6t$me %om"(e)ens$/e e5e(%$se -! +)$%) e#g-#e staff mem-e(s unde(t)e :taff ;u#es

5. T)e A""#$%ant a""ea#ed t)$s (u#$ng and* -! Judgment Ademagic et al. No. 2013 6UNAT 6354* t)e A""ea#s T($-una# 1(es%$ndAedB t)e de%$s$on of t)e A:G/7<; 'E and (emandAedB t)e ,CT. %on/e(s$on e5e(%$se to t)e A:G/7<; ' fo((et(oa%t$/e %ons$de(at$on of t)e su$ta-$#$t! of t)e AA""#$%antB2E and a+a(ded non6"e%un$a(! damages2.

>. T)e ne+ %on/e(s$on e5e(%$se +as %om"#eted $n June 201&* at +)$%) t$me t)e A""#$%ant +as $nfo(med of t)e de%$s$on to den!)$m t)e %on/e(s$on of)$s a""o$ntment to a "e(manent one.

7. 7n 1 August 201&* t)e A""#$%ant sent t)e do%uments (e?u$(ed to fo(ma##! %ontest t)e de%$s$on to t)e ,CT. :taff Un$on* +)$%)* ane+* +as assstng a #a(ge num-e(of staff $n t)e same s$tuat$on $n %o##e%t$ng* adm$n$ste($ng and a(%)$/$ng mate($a#s. <o+e/e(* t)ese do%uments +e(e not t(ansm$tted to Counse# fo(t)e A""#$%ant.

8. et+een 8 and 13 August 201&* Counse# fo(t)e A""#$%ant (e?uested management e/a#uat$on of t)e June 201& de%$s$ons on -e)a#f of 2&7 ot)e(,CT. staff mem-e(s. A%%o(d$ng to t)e A""#$%ant*)e on#! (ea#$sed t)at)$s management e/a#uat$on)ad not -e (e?uested at t)at t$me +)en)$s %o##eagues (e%e$/ed management e/a#uat$on (e"#$es a fe+ +ee9s #ate(* +)$#e)e d$d not. <e t)en %onta%ted t)e :taff Un$on to ?ue(! a-out t)e #a%9 of a management e/a#uat$on $n)$s %ase.

4. Afte(a num-e(of e5%)anges among t)e A""#$%ant*)$s Counse# and t)e :taff Un$on* t)e P(es$dent of t)e ,CT. :taff Un$on %#a($f$ed* on 17 Fe-(ua(! 2015* t)at t)e do%uments "e(ta$n$ng to t)e A""#$%ant)ad 1s#$""ed t)(oug) t)e %(a%9s2.

10. 7n 18 Fe-(ua(! 2015* t)e A""#$%ant (e?uested management e/a#uat$on of t)e %ontested de%$s$on. T)e 'anagement G/a#uat$on Un$t 01 'GU23* on -e)a#f of t)e :e%(eta(!6Gene(a#* u")e#d t)e de%$s$on* as "e((e"#! #ette(of 14 Fe-(ua(! 2015.

11. T)e A""#$%antCs "($n%$"a# %ontent$ons on t)e $ssue of (e%e$/a-$#$t! a(e=

    a. <e fo##o+ed t)e $nst(u%t$on set out -! t)e ,CT. :taff Un$on fo(staff

a"'ea(to -e ana#ogous to t)e %ase at)and. Fo($nstan%e* Xu $s %#ea(#! d$stngus)a-#e $n t)at $t %on%e(ns an e((o(-! t)e ;eg$st(! t)at "(eDud$%ed one of t)e "a(t$es* +)$#st Said (e#ates to a fu(t)e(su-msson -! t)e ;es"ondent* ne%essa(! to $nfo(m t)e T($-una# on t)e matte(* as o"'osed to t)e nsttut$on of "(o%eed$ngs.

18. G/en assum$ng* fo(t)e sa9e of a(gument* t)at t)e $nad/e(ten%e of t)e :taff Un$on %annot -e)e#d aga$nst t)e A"'#$%ant* $t must -e st(essed t)at* afte(t)e #atte(%ame to 9no+* $n m$d67%to-e(201&* t)at t)e mandato(! ste" of (e?uest$ng management e/a#uat$on)ad not -een made $n)$s %ase* $t too9)$m unt$# m$d6Fe-(ua(! 2015 to su-m$t)$s (e?uest to 'GU. Cons$de($ng t)at t)e statuto(! t$me #$m$t fo(t)$s "u("ose $s >0 %a#enda(da!s* t)e A"'#$%antCs $na%t$on du($ng a"'(o5$mate#! t+$%e t)$s #engt) s)o+s a #a%9 of d$#$gen%e on)$s s$de $n ta9$ng t)e ne%essa(! ste"s to "u(sue)$s %ase $n due t$me. As stated $n Mors UNDT/2004/03>=

> T$me #$m$t e5$st fo((easons of %e(ta$nt! and e5"ed$t$ous d$s"osa# of d$s"utes $n t)e +o(9"#a%e. An nd/$dua# ma! -!)$s o+n a%t$on o($na%t$on fo(fe$t)$s ($g)t to -e)ea(d -! fa$#$ng to %om"#! +$t) t$me #$m$ts* fo(t)e ma5$m *!*igilantibus et non dormientibus legis sub*!*eniunt 0t)e #a+ a$ds t)ose +)o a(e /$g$#ant and not t)ose +)o a(e as#ee"3 +$## su(e#! a"'#!.

14. :$n%e t)e a"'#$%at$on $s not (e%e$/a-#e* t)e T($-una# ma! not assess $ts me($ts 0see Ser*!*as 2013 6UNAT63&43. Fu(t)e(mo(e* s$n%e t)e on#! $ssue t)at $t)as to add(ess $s t)e (e%e$/a-$#$t! ratione materiae of t)e a"'#$%at$on 0%f. "ggles#ield 201&6UNAT6&023 I +)$%) $s a matte(of #a+ and)en%e ma! -e adDud$%ated e/en +$t)out se(/$ng t)e a"'#$%at$on to t)e ;es"ondent fo((e"#! and e/en $f not (a$sed -! t)e "a(t$es 0see *$*ehr 2013 6UNAT6313* and *%*hristensen 2013 6UNAT63353 I t)e d$s"osa# of t)$s %ase -! +a! of summa(! Dudgment $s a"'(o"($ate* $n a%%o(dan%e +$t) a(t. 4 of t)e T($-una#Cs ;u#es of P(o%edu(e 0*%*hahrour 201&6 UNAT6&0>* *$*ehr 2013 6UNAT6313 3.

20. ,n /$e+ of t)e fo(ego$ng* t)e T($-una# DGC,DG:=

T)e a"'#$%at$on $s (e⃞e%ted.

0Signed3
Judge T)omas Ha9e(
Dated t)$s 2nd da! of A"($# 2015

Gnte(ed $n t)e ;eg$ste(on t)$s 2nd da! of A"($# 2015
0Signed3
;enJ '. Va(gas '.* ;eg$st(a(* Gene/a