



Before:

Registry:

Registrar:

JUDGMENT

Counsel for Applicant:

Counsel for Respondent:

Introduction

1. The Applicant filed on 22 June 2015 a request for reconsideration of the decision of the Tribunal dated 12 December 2015 to terminate her permanent appointment and to separate her from service on 30 June 2015.

2. The Respondent filed his appeal on 24 August 2015.

Facts

The Applicant joined the United Nations Development Programme (UNDP) in 1992 as a Professional Officer (P4) in the regional office in Washington, D.C. After various assignments in the United States, she was promoted to the P45 level on 15 August 2008 (D/2008/10221(S)).

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positions. The email further stressed that staff should be able to secure a position in the event of the suspension of the relevant staff member's position. The Commission also noted that the UN Staff Regulations and Rules and the UNDP Personnel Assignment Policy and Processes are applicable during the suspension period.

2. On 8 June 2014, the Applicant filed a complaint with the UNDP Office of Audit and Investigations (OAI) regarding the assessment and use of staff on

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Case No. UNDT/GVA/2015/148

Judgment No. UNDT/2016/102

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Case No. UNDT/GVA/2015/148

Judgment No. UNDT/2016/102

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a. The decision to abolish the post encumbered by the Applicant a direct consequence of a structural review

*. The Applicant's obligations under staff rules 3.6/e2 and 1.1/d2 (entirely terminated the Applicant's permanent appointment)

&. The Applicant is entitled to an "immediate" arising from the termination of (entirely) appointment

Was the decision to abolish the post encumbered by the Applicant a direct consequence of a structural review

54. This Judgment is not concerned with an examination of the sufficiency or otherwise of the staff rules and the manner in which they are applied to the Applicant. This matter (as seen dealt with in Judgment EI-Kholy UNDT/2016/028. The Tribunal finds that the post of Director, GC/D412' DGG' and related to the Applicant at the material time was abolished as a direct consequence of the restructuring exercise. A termination of a contract of employment "reason of restructuring of the organization" is a sufficient reason, provided that the restructuring is necessary and its duties and obligations to the staff members in accordance with 3.6.6.523(f) - 8.44 T.D.() 529 (f) 2.57.62() 250] TJD - 261.15.8.92(+)

the organization for the purpose of the UNDP.

57. The staff uses 3.6/f2 which limits the Administration's duty to staff members in the Geneva office to consider the merits of the staff's duty station and the staff's development. The Commission does not "order" the staff to staff members in the Professional category "to be in the Administrative

58. The request for deletion is rejected on the ground that the Commission has no jurisdiction to order the staff to use 3.6/e2, 3.6/g2 and 1.1/d2.

53. The Commission notes that the staff (as to date) has been a "limited opportunity" for UNAT to use on the other hand the Commission to be given to the Commission upon the Administration to use good faith efforts to find displaced staff members a permanent arrangement for the staff's employment (see on permanent arrangements)

and 8 (" t(at 8as so /Hussain Judgment No. 1403 /20082E /oares Judgment No. 310 /13382E Carson Judgment No. 85 /136222.

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Judgment No. UNDT/2016/102

Reasonable for the respondent to set up the office. The 8 as a member of the
assisting the Administration in giving effect to the obligation to give the 'full
and reasonable' consideration to securing the continuing service of staff members
" 8a" of the Convention. It is not one element of a process " 8 (the
Administration has seen to discharge its obligation to discharge staff members.
The circumstances here unique and the Tribunal considers that the Job
process is not a process means of achieving the objectives of the
the staff rules. The 8 as an independent and administrative element
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2014. The Tribunal finds it difficult to find fault with the Commission's findings, particularly those relating to the termination of the Applicant's permanent appointment. The Commission's findings are based on a thorough and objective assessment of the Applicant's suitability for the post in question, taking into account the provisions of the Administration's Staff Rules 3.6/e2 and 1.1/d2. The Commission's findings are based on a thorough and objective assessment of the Applicant's suitability for the post in question, taking into account the provisions of the Administration's Staff Rules 3.6/e2 and 1.1/d2. The Commission's findings are based on a thorough and objective assessment of the Applicant's suitability for the post in question, taking into account the provisions of the Administration's Staff Rules 3.6/e2 and 1.1/d2. The Commission's findings are based on a thorough and objective assessment of the Applicant's suitability for the post in question, taking into account the provisions of the Administration's Staff Rules 3.6/e2 and 1.1/d2.

85. The same applies to the Applicant's suitability for the post of Deputy Head of Mission. The Commission's findings are based on a thorough and objective assessment of the Applicant's suitability for the post in question, taking into account the provisions of the Administration's Staff Rules 3.6/e2 and 1.1/d2. The Commission's findings are based on a thorough and objective assessment of the Applicant's suitability for the post in question, taking into account the provisions of the Administration's Staff Rules 3.6/e2 and 1.1/d2. The Commission's findings are based on a thorough and objective assessment of the Applicant's suitability for the post in question, taking into account the provisions of the Administration's Staff Rules 3.6/e2 and 1.1/d2.

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obligations under Staff Rules 3.6(e) and 1.1(d). The Tribunal has awarded the sum of USD 2'000 as moral damages.

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