Introduction

1. By a !"#at"on f"!ed on 20 $#to%e& 201' ("t) t)e Na"&o%" *eg"st&y and !ate& t&ansfe&&ed to t)e Gene+a *eg"st&y, t)e A !"#ant, a -u !y $ff"#e& .P/01 ("t) t)e Un"ted Nat"ons $&gan"2at"on -ta%"!"2at"on 3"ss"on "n t)e Demo#&at"# *e u%!"# of Congo .43 $NU-C$51, #ontests t)e de#"s"on to &o&ate t)e se#ond "nsta!ment of t)e !um /sum o&t"on of)"s ass"gnment g&ant to 6"ns)asa.

Relevant Facts

2. $n 17 De#em%e& 2011, t)e A !"#ant (as &eass"gned f&om t)e Un"ted Nat"ons -u o&t $ff"#e fo& t)e Af&"#an Un"on 3"ss"on "n -oma!"a "n Na"&o%" to t)e Un"ted Nat"ons $&gan"2at"on 3"ss"on "n t)e Demo#&at"# *e u%!"# of t)e Congo .43 $NU-C$51 "n 6"ns)asa, as a -u !y $ff"#e& .P/01. U on)"s a&&"+a! "n 6"ns)asa, t)e A !"#ant (as a"d an ass"gnment g&ant t)at "n#!uded a da"!y su%s"sten#e a!!o(an#e .4D-A51 fo& t)"&ty days and a !um /sum of one mont) net %ase sa!a&y, "n a##o&dan#e ("t) se#s. 2.1 and 7.8.a1 of Adm"n"st&at"+e 9nst&u#t"on -T/A9/2012/1 .Ass"gnment g&ant1.

7. $n 1 August 2012, t)e A !"#ant:s a o"ntment (as &ene(ed t)&oug) 71 Ju!y 2017 and, on 1 August 2017, "t (as fu&t)e& &ene(ed t)&oug) 70 June 2010.

0. By memo&andum of 16 De#em%e& 2017 to t)e C)"ef ;uman *esou&#es $ff"#e&, 3 $NU-C$, t)e A !"#ant &e<uested ayment of t)e se#ond "nsta!ment of t)e !um /sum o&t"on of)"s ass"gnment g&ant .4se#ond "nsta!ment of ass"gnment g&ant51, effe#t"+e 17 De#em%e& 2017.

'. $n 71 De#em%e& 2017, %efo&e any ayment (as made, t)e A !"#ant (as &eass"gned ("t)"n 3 $NU-C$ f&om 6"ns)asa to Goma, effe#t"+e 10 Janua&y 2010. $n 1= 3a&#) 2010,)e &e#e"+ed an ass"gnment g&ant fo&)"s &eass"gnment to Goma.

6. By ema"! of 0 No+em%e& 2010, t)e 3anage&, C"+"!"an Benef"ts and Pay&o!! -e&+"#e >"ne, *eg"ona! -e&+"#e Cent&e ?nte%%e .4*-C?51, "nfo&med t)e A !"#ant t)at)e d"d not <ua!"fy fo& a se#ond "nsta!ment of)"s ass"gnment g&ant g"+en t)at)e)ad not #om !eted t)e &e<u"&ed t)&ee/yea& e&"od of se&+"#e at t)e duty stat"on.

8. $n 12 No+em%e& 2010, t)e A !"#ant)ad a)one #on+e&sat"on ("t) t)e 3anage&, C"+"!"an Benef"ts and Pay&o!! -e&+"#e >"ne, *-C?, ()e&e%y)e "nfo&med t)e *-C? t)at)e (o&@ed fo& 1= days %eyond)"s se#ond ann"+e&sa&y of se&+"#e "n 6"ns)asa. Ao!!o("ng t)ese d"s#uss"ons, t)e *-C? g&anted t)e A !"#ant a &o &ata ayment of t)e se#ond "nsta!ment of)"s ass"gnment g&ant "n t)e amount of U-D911,'= as 4one mont) &o/&ated amount5. $n 21 No+em%e& 2010, t)"s amount (as #&ed"ted to t)e A !"#ant:s %an@ a##ount.

=.

12. By ema"! of 8 Janua&y 201', t)e 3anage&, C"+"!"an Benef"ts and Pay&o!! -e&+"#e >"ne, *-C?, ad+"sed t)e A !"#ant to 4#onta#t 3$NU-C$;*, Goma ."n #o y of t)"s message1 fo& B)"sC fu&t)e& gu"dan#e on t)"s matte&5.

17. By ema"! of t)e same day, t)e A !"#ant (&ote t)e fo!!o("ng to t)e C)"ef ;uman *esou&#es $ff"#e&, 3$NU-C$E

> 9 &eg&et to not"fy t)at t)"s matte& &ega&d"ng ent"t!ement of 2nd Ass"gnment G&ant "n my &es e#t)as %een go"ng on s"n#e De#Bem%e&C 2017.
>
> V"de you& ema"! dated 70 De#Bem%e&C 2010, you)ad "nd"#ated t)at t)e #ase s)a!! %e &e+"e(ed at t)e *-C?, s e#"f"#a!!y 3&. 3a&t"n $DDe&&o. ;o(e+e&, as e& t)e t&a"! ema"! %e!o(f&om 3&. 3a&t"n,)e)as d"&e#ted me aga"n to #onta#t 3$NU-C$;*, Goma fo& fu&t)e& gu"dan#e on t)e matte&.
>
> 3ay 9 @"nd!y &e<uest you to &o+"de gu"dan#e on t)e su%De#t as ( )om s)ou!d 9a &oa#) "n t)e matte&.

10.

Parties' submissions

2'. T)e A !"#ant:s &"n#" a! #ontent"ons a&eE

a. ;"s f"&st &e<uest fo& management e+a!uat"on (as not t"me/%a&&ed as t)e f"na! de#"s"on &ega&d"ng)"s &e<uest fo& fu!!

%. 9f yes, d"d)e f"!e)"s #!a"m ("t) t)e T&"%una! ("t)"n 90 days of &e#e" t of t)e management e+a!uat"onI

70. Pu&suant to staff &u!e 11.2 and a&t. =.1.""1.#1 of t)e T&"%una!:s -tatute, fo& an a !"#at"on to %e &e#e"+a%!e, t)e a !"#ant must f"

and *-C?, t)e !atte& de#"ded to ay t)e A !"#ant a &o&ated amount of t)e se#ond "nsta!ment of)"s ass"gnment g&ant, and a"d "t "nto t)e A !"#ant:s %an@ a##ount on 21 No+em%e& 2010. A##o&d"ng to an ema"! of 2 Janua&y 201' f&om t)e 3anage&, C"+"!"an Benef"ts and Pay&o!! -e&+"#e >"ne, *-C?, t)e A !"#ant su%m"tted a ayment &e<uest fo&m and s"gned a 4(&"tten unde&ta@"ng5 to &e#e"+e t)e &o&ated ayment. T)at %e"ng sa"d, t)e do#uments do not #!ea&!y esta%!"s) t)at t)e &o&ated ayment (as made fo!!o("ng an ag&eement %et(een t)e A !"#ant and *-C?, o& t)at t)e A !"#ant (as eF !"#"t!y "nfo&med t)at)e (ou!d &e#e"+e a &o&ated ayment &"o& to su#) ayment %e"ng made. 9n any e+ent, t)e&e #an %e no dou%t t)at t)e A !"#ant (as made a(a&e of t)e de#"s"on to deny)"s #!a"m fo& full ayment of t)e se#ond "nsta!ment of)"s ass"gnment g&ant ()en)e &e#e"+ed a &o&ated ayment on 21 No+em%e& 2010. T)e A !"#ant)ad 60 days f&om 21 No+em%e& 2010 to &e<uest management e+a!uat"on. ;e fa"!ed to do so.

76. T)e ema"! of 12 Ae%&ua&y 201' f&om t)e ;uman *esou&#es -e&+"#e of 3 $NU-C$ (as me&e!y a &e"te&at"on of t)e o&"g"na! de#"s"on deny"ng t)e A !"#ant:s &e<uest to %e a"d t)e fu!! amount of t)e se#ond "nsta!ment of)"s ass"gnment. T)e !ong stand"ng Du&"s &uden#e of t)e A ea!s T&"%una! "s t)at t)e &e"te&at"on of an o&"g"na! adm"n"st&at"+e de#"s"on does not &eset t)e #!o#@ ("t) &es e#t to statuto&y t"me !"m"ts, ()"#) sta&ted to &un f&om t)e date of t)e o&"g"na! de#"s"on .Sethia 2010/UNAT/089, Aliko 201'/UNAT/''79, Kazazi 201'/UNAT/''81.

78. 9t fo!!o(s t)at t)e a !"#at"on "s not &e#e"+a%!e ratione materiae .Egglesfield 2010/UNAT/0021 and t)at t)e T&"%una! does not)a+e Du&"sd"#t"on to #ons"de& t)e &es e#t"+e #ontent"ons of t)e a&t"es on t)e me&"ts of t)e #ase.

7=. T)e a !"#at"on "s a!so not &e#e"+a%!e ratione temporis. T)e 3?U &es onded to t)e A !"#ant:s f"&st &e<uest fo& management e+a!uat"on on 21 Ju!y 201', and t)e A !"#ant f"!ed)"s a !"#at"on on 20 $#to%e& 201', t)at "s one day afte& t)e eF "&y of t)e 90/day dead!"ne set fo&t) "n a&t. =.1.d1."1.a1 of t)e T&"%una!:s -tatute. 9n an ema"! of 27 Ju!y 201', t)e A !"#ant #!ea&!y a#@no(!edged t)at t)e t"me !"m"t to f"!e an a !"#at"on %efo&e t)e T&"%una! sta&ted to &un f&om 21 Ju!y 201'. T)e T&"%una! does not deem a &o &"ate "n t)e "nstant #ase to #ons"de& t)e

A !"#ant:s &e<uest to (a"+e t)e t"me !"m"t fo& su%m"tt"ng)"s a !"#at"on as t)e a !"#at"on "s, "n any e+ent, "&&e#e"+a%!e ratione materiae.

Conclusion

79. 9n +"e (of t)e fo&ego"ng, t)e T&"%una! D?C9D?-E

T)e a !"#at"on "s &e9e#ted.

.Signed1
Judge *o (an Do (n"ng
Dated t)"s 1=t) day of No+em%e& 2016

?nte&ed "n t)e *eg"ste& on t)"s 1=t) day of No+em%e& 2016
.Signed1
*enJ 3. Va&gas 3., *eg"st&a&, Gene+a