Case No.

UNDT/GVA/2016/045

%onst\u00e9tute -a(andonment of "ost.. A\u00e9%o'd\u00e8ng\u00e45\u00ea s!e u'ged t!e A""\u00e4\u00e9ant to e\u00e8t!e'
'e"o't fo' dut5 \u00e8mmed\u00e8ate\u00e45 o' to "'o+\u00e8de a "\u00e4aus\u00e8(\u00e4e e 8"\u00e4anat\u00e8on fo' !\u00e8s a(sen\u00e8e.

- 7. T!e A""#\$%ant 'e"#\$ed on 14; %to(e' 2015& den5\$ng to !a+e a(andoned !\$s "ost and 'e\$te'at\$ng t!at !e 0as s\$%7 and unde' t'eatment. T!e C!\$ef& 9?=& 'e"#\$ed on 16; %to(e' 2015 t!at -)CT\* a%%e"tBedC Bt!e A""#\$%ant>sC elma\$# as a fo'ma# 'e<uest of 'e+\$e0 of B!\$sC %ase. and as7ed !\$m& \$n\$ t!\$s %onne%t\$on& to %!oose& (52; %to(e' 2015& (et0een \$dent\$f5\$ng an \$nde"endent "'a%t\$t\$one' a%%e"ta(#e to (ot! t!e Un\$ted Nat\$ons 2 ed\$%a# D\$'e%to' and !\$mse#f& o' !a+\$ng t!e %ase su(m\$tted to a 2 ed\$%a# ?e+\$e0 @oa'd. 9e 0as ad+\$sed t!at fa\$#u'e to ma7e a %!o\$%e 0\$t!\$n t!e dead#\$ne& 0ou#d t'\$gge' t!e "'o%edu'es fo' a(andonment of "ost. @5 ema\$# of 2; %to(e' 2015& t!e A""#\$%ant %!ose to !a+e !\$s %ase su(m\$tted to a 2 ed\$%a# @oa'd.
- D. )n #\$g!t of t!e A""#\$%ant>s %!o\$%e& t!e C!\$ef& 9 ?=& u'ged !\$m& on 26 ; %to(e' 2015& to su(m\$t t!e name of !\$s se#e%ted med\$%a# "'a%t\$t\$one' (5 0; %to(e' 2015. T!e A""#\$%ant d\$d so on 27; %to(e' 2015.
- 10. T!e 2 ed\\$\a# @oa'd\ \n\#\ud\ng t!e A""\\$\\ant>\s des\\gnated "!5\\$\\an\ !e\text{d} sess\ng no 22 4e('ua'5 2016. )t 'ende'ed a 'e"o't dated 2E 4e('ua'5 2016\\and\car{a}\text{mom"\text{#emented}} (5 an atta\text{!ment dated 5 2 a'\text{! 2016\\alpha} \text{\text{Nonn\text{#ud\sqrt{ng} t!atF}}
  - a. T!e 6 August 2015 ad+\$%e of t!e e8te'na# med\$%a# e+a#uat\$on 'e"o't 0as \$n%o''e%t fo' se+e'a# 'easons6

(. T!e A""# $\mbox{max}$  "!ased 'etu'n to 0o'7 s!ou#d !a+e sta'ted t!'ee

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0 as st\" s\"7 and una(#e to 0o'7. 9a+\"ng o(ta\"ned no 'e"# $5\$ \" !e 'e\"7 te'ated !\"8

22. @5; 'de' No. 176, GVA/2016/ of 0 August 2016½ t!e T'\$(una# 'e<uested add\$t\$ona# \$nfo'mat\$on f'om (ot! "a't\$es and \$n+\$ted t!em to f\$#e %omments½ \$f an5½ on \$ts \$ntent\$on to dete'm\$ne t!e %ase on t!e (as\$s of t!e 0'\$tten su(m\$ss\$ons.) n 'es"onse½ t!e A""#\$%ant and t!e ?es"ondent made fu't!e' su(m\$ss\$ons on 6 =e"tem(e' 2016 and 12; %to(e' 2016½ 'es"e%t\$+e#5. None of t!em o(3e%ted to t!e %ase (e\$ng ad3ud\$%ated 0\$t!out !o#d\$ng an o'a# !ea'\$ng.

## Parties' submissions

## 2 . T!e A" "#\$%ant>s "'\$n%\$"a# %ontent\$ons a'eF

- a. T!e'e \$s no 2 ed\$%a# @oa'd 'e"o't \$n 'e#at\$on to !\$s f\$tness to 'esume 0o'7 ne\$t!e' on t!e date o'\$g\$na##5 set fo' t!e e8"\$'at\$on of !\$s %ont'a%t& 1 De%em(e' 2015& no' on t!e date of !\$s a%tua# se"a'at\$on& 14 2 a'%! 20166
- (. Pu'suant to se%. 4.E of =T/A)/201 /1& !\\$s a""o\\$ntment s!ou\#d !a+e (een e8tended fo' t!e 'ema\\$n\\$ng of !\\$s s\\$%7 \#ea+e ent\\$t\#ement\&s"e\\$\\$f\\$\approx a\#5\& 7E da5s of s\\$%7 \#ea+e 0\\$t! !a\#f "a5\G
- %. T!e A""#\$%ant %ommun\$%ated 0\$t! t!e )CT\* Adm\$n\$st'at\$on I 9?= \$n "a't\$%u#a' I s!o't#5 afte' !a+\$ng (een ad+\$sed of t!e nonl'ene0a# of !\$s %ont'a%t& e8"'ess#5 stat\$ng t!at !e 0as st\$## s\$%7. A med\$%a# 'e"o't "'o+\$ded to t!e A""#\$%ant s!o0s t!at !e 0as una(#e to "e'fo'm 0o'7 s\$n%e t!e da5 of !\$s se"a'at\$on unt\$# t!e f\$#\$ng of !\$s a""#\$%at\$on6 and
- d. T!e A""#\$%ant 0as not\$f\$ed on#5 one mont! #ate' ,14 A"'\$# 2016/ of t!e de%\$s\$on to se"a'ate !\$m on 14 2 a'%! 2016.

## 

- a. T!e A""#\$%ant d\$d not meet t!e 'e<u\$'ements fo' an e8tens\$on of a""o\$ntment unde' =T/A)/201 /1& 0 !\$%! %an on#5 (e g'anted fo' a %e't\$f\$ed \$##ness6
- (. 4o' an \$##ness to (e %e't\$f\$ed& as "e' =taff ?u#e 6.2,f/ and se%. 2.1 of =T/A)/2005/ ,=\$%7 :ea+e/& a staff mem(e' s!a## \$nfo'm !\$s o' !e'

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en%um(e'ed& as "a't of t!e staff do 0 ns\A\square\ng "'o\%ess \n t!e f'ame 0 o'7 of t!e )CT\* \%#osu'e st'ateg5. T!e'e \\$s no \\$nd\%at\\$on 0 !atsoe+e'\& no' does t!e A""#\%ant \%#a\\$m\&

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## Obligations of staff members

,f/ =taff mem(e's s!a## \$nfo'm t!e\$' su"e'+\$so's as soon as "oss\$(#e of a(sen%es due to \$##ness o' \$n3u'5. T!e5 s!a## "'om"t#5 su(m\$t an5 med\$%a# %e't\$f\$%ate o' med\$%a# 'e"o't 'e<u\$'ed K

,g/ A staff mem(e' ma5 (e 'e<u\$'ed at an5 t\$me to

- (. Oas f\$t to 'esume Oo'7 "a'tlt\$me as of 1 De%em(e' 2015 ,t!at \$s\text{\text{afte}}' some e#e+en mont!s on \%e't\\$f\\$ed s\%7 #ea+e/6 and
- %. 0 as to "'og'ess\$+e#5 (u\$#d1u" f'om "a't1t\$me 0 o'7 to 'esume fu##1t\$me 0 o'7 (5 1 2 a'%! 2016.
- 4. T!e A""#\$%ant d\$d not 'e"o't to 0o'7& e+en "a'tIt\$me& at an5 "o\$nt. 9e stated (5 ema\$# t!at !e 0as st\$## s\$%7& (ut \$t a""ea's f'om t!e 'e%o'd t!at (et0een August 2015& 0!en t!e e8te'na# med\$%a# e+a#uat\$on 'e"o't 0as \$ssued& and 2a'%! 2016& !e "'esented no med\$%a# %e't\$f\$%ate o' med\$%a# 'e"o't su""o't\$ng !\$s asse't\$on& as staff 'u#e 6.2,f/ "'es%'\$(es. T!\$s not0\$t!stand\$ng& t!e ; 'gan\$Aat\$on e8tended t!e A""#\$%ant>s a""o\$ntment at #east t0\$%e afte' t!e effe%t\$+e date of a(o#\$t\$on of !\$s "ost. )t t!e'e(5 \$nte'"'eted t!e a""#\$%a(#e #ega# f'ame0o'7 'at!e' fa+ou'a(#5 fo' t!e staff mem(e'& as !\$s s\$%7 #ea+e 0as no #onge' %e't\$f\$ed on a fu##1\$me (as\$s at t!at "o\$nt.
- 6. A 2 ed\%a# @oa'd 0as \\ \text{onntilted}\kappa \\ \\ \text{onntilted}\kappa \\ \text{onntilte

- D. )n %on%#us\$on& t!e T'\$(una# f\$nds t!at& s\$n%e a dete'm\$nat\$on t!at t!e A""#\$%ant 0as f\$t to 0o'7 on t!e date of !\$s se"a'at\$on f'om se'+\$%e !ad (een made t!'oug! t!e statuto'5 me%!an\$sms s"e%\$a##5 des\$gned to sett#e s\$%7 #ea+e 'e#ated matte's& and \$n %onfo'm\$t5 0\$t! t!e esta(#\$s!ed "'o%edu'es& t!e; 'gan\$Aat\$on 0as not (ound& unde' se%. 4.E of =T/A)/201 /1& to fu't!e' e8tend !\$s %ont'a%t& des"\$te t!e fa%t t!at !e st\$## !ad a (a#an%e of s\$%7 #ea+e da5s on !a#f "a5.
- E. T!e med\%a# \%e't\\$f\%ate of 12 2 a5 2016 does not \%!ange t!e fo'ego\\$ng. To  $(eg\n 0\t!\&\st\s = eg\t\smalle t = e'\smalle = eg\smalle t = e'\smalle = eg\smalle = eg\sma$
- 40. )''es"e%t\$+e of \$ts %'ed\$(\$#\$t5\color \$t\$ stands t!at t!e 12 2 a5 2016 %e't\$f\$%ate !ad not (een \$ssued\color #et a#one su(m\sted to t!e ; 'gan\stands.66653(#)0.874347(#)11.5331(5)9.69849()-197.6(t)

41. 4o' a## of t!e a(o+e& t!e A""#\$\%ant 0as not ent\\$t#ed to !a+e !\\$s \%ont'a\%t fu't!e' 'ene0ed to ena(#e !\\$m to use !\\$s 'ema\\$n\\$ng s\%7 #ea+e ent\\$t#ement.

Late notification of the decision to separate the Applicant

- 42. Afte' !a+\$ng "at\$ent#5 gone t!'oug! a !ea+5 "'o%edu'e to %#a'\$f5 t!e A""#\$%ant>s s\$%7 #ea+e status\( \) and u"on dete'm\( \) n\( \) g !!at !e 0 as not ent\( \) t#ed to a %ont'a\( \) t'ene0a\( \) a unde' se\( \). 4.E of =T/A)/201 /1\( \) t!e Adm\( \) n\( \) st'at\( \) on '\( \) g!t#5 se"a'ated t!e A""#\$\( \) ant f'om se'+\$\( \) effe\( \) t\( \) +e 14 2 a'\( \)! 2016. 900e+e'\( \) \( \) t too7 t!e Adm\( \) n\( \) st'at\( \) on one ent\( \)'e mont!\( \) %ounted as of t!e effe\( \) t\( \) +e date of se"a'at\( \) on\( \) to ad+\$\( \) se t!e A""#\$\( \) ant of !\( \) s se"a'at\( \) on f'om se'+\$\( \) e.

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46.