

UNITED NATIONS DISPUTE TRIBUNAL

## **Introduction**

1. The Applicant, a Workplace Relations Specialist in UN Women in New York holding a fixed-term appointment and serving at the P-3 level, step 11 and who receives a temporary Special Post Allowance at the P-4 level, step 5, filed an application in which she contests the “decision of the Administration to reduce [her] contracted salary and the manner of the implementation of the Unified Salary Scale”. The Applicant requests rescission of the contested decision and to receive outstanding pay backdated accordingly.

2. In his response, the Respondent contends that the application is not receivable and, in any event, without merit.

## **Relevant procedural history**

3. On 30 June 2017, the parties in Case No. UNDT/NY/2017/025 (Camera) filed their joint submission in response to Order No. 127 (NY/2017), providing a list of cases under Category 2 (“Non-

members who receive the single Parent Allowance or Spouse Allowance.

4. On 14 July 2017, the Applicant filed the application in the present case.
5. On 17 July 2017, in accordance with art 8.4 of the Dispute Tribunal's Rules of Procedure, the Registry transmitted the application to the Respondent, instructing him to file his reply by 22 May 2017.
6. On the same day, the case was assigned to the undersigned Judge.
7. On 16 August 2017, the Respondent filed his reply.
8. By Order No. 171 (NY/2017) issued on 23 August 2017, the Tribunal instructed the Applicant to file a submission addressing the issue of receivability as raised in the Respondent's reply by 22 September 2017.
9. On 7 September 2017, the Applicant filed a motion for extension of time, requesting that, in light of the Applicant's Counsel's previous engagements, the deadline to file such a submission be extended until Friday, 13 October 2017.
10. By Order No. 198 (NY/2017) dated 21 September 2017, the Tribunal granted the extension of time requested by the Applicant and ordered her to file a submission addressing the issue of receivability as raised in the Respondent's reply by 13 October 2017.
11. On 26 September 2017, the Applicant filed a motion for extension of time, requesting (a) a two-week extension of time to file the submission on receivability; (b) that a Case Management Discussion ("CMD") be scheduled on or after 5 October 2017.
12. By Order No. 211 (NY/2017) dated 28 September 2017, the Tribunal granted the Applicant's request for a CMD at which the request for extension was to be

discussed.

13. At the CMD held on 5 October 2017

20. On 19 January 2018, the Applicant submitted a submission regarding her financial loss.

21. By Order No. 13 (NY/2018) issued on 19 January 2018, the Tribunal provided the following orders:

... By **5:00 p.m. on Wednesday, 14 February 2018**, the Applicants are to file, if not done already, a copy of their statement of earnings and deductions for December 2017 and January 2018.

... By **5:00 p.m. on Wednesday, 14 February 2018**, the parties are to file additional submissions and supporting documentation based on the review of the following documents:

a. The ICSC's recommendations included in its 2015 and 2016 reports regarding the implementation methodology of the compensation package;

b. The General Assembly resolutions 70/244 and 71/264 (United Nations common system) and the related provisions of Staff Regulation and Rules (ST/SGB/2017/1);

informing the Tribunal of their views regarding:

i. The full approval by the General Assembly of the ICSC recommendations, including the methodology/methodologies;

ii. The accurate and complete implementation by the



and rejected the request to suspend the proceedings in the present case. The Tribunal further ordered that the present case was to be decided by the Tribunal on the papers,





Case No. UNDT/NY/2017/072

Judgment No. 130

44. In conclusion, the withdrawal request represents the Applicant's free will to end the litigation. Since the Applicant has withdrawn her application, the Tribunal no longer needs to make a determination on the merits and takes note of the withdrawal.

45. In the light of the foregoing, the Tribunal DECIDES:

46. The Applicant has withdrawn the application. There being no matter for adjudication by the Dispute Tribunal, Case No. UNDT/NY/2017/72 is hereby closed.

### **Observation**

47. The Tribunal expresses its trust that the Administration will take all the necessary measures, if not yet taken, to locate the Applicant's Letter of Appointment with the UN Secretariat and to include it in her Official Status File. If the document cannot be found, the UN Secretariat is to re-issue this document, and transmit a copy to the Applicant within 30 days.

48. The Tribunal underlines the mandatory legal provisions of staff regulation 4.1:

As stated in Article 101 of the Charter, the power of appointment of staff members rests with the Secretary-General. Upon appointment, each staff member, including a staff member on secondment from government service, shall receive a letter of appointment in accordance with the provisions of annex 9( ) TJ5cee-7( )-99(C)-2(ha)4(rte)-46 reW nBT/F1 12



