



JUDGE LUIS MARÍA SIMÓN , Presiding.

Synopsis

1. Marie-Ange Dumornay (Dumornay) contested the administrative decision to abolish her post on the grounds that she held a permanent post and was only temporarily occupying the subc 0.0312 317.82 745.6801 TmTJ -0.017 9.48/nly

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9. Dumornay contends that the abolition of her post and the creation of a new post with nearly identical functions was a subterfuge for removing her and replacing her with a younger staff member who was considered to have more up-to-date qualifications.

10. Dumornay seeks to introduce new evidence before the Appeals Tribunal in the form of an affidavit, dated 17 February 2010, from Alice Hecht, who is a former Director of Protocol of the United Nations. The new evidence concerns the usual practice of the United Nations concerning the abolishment and movement of posts between substantive units.

11. Dumornay requests that the Appeals Tribunal find that the Dispute Tribunal erred in fact in concluding that the abolition of her post was bona fide. She seeks an award of compensation of at least two years' salary.

Secretary-General's Answer

12. The Secretary-General submits that the Dispute Tribunal correctly found that the abolition of Dumornay's post was bona fide. The jurisprudence of the former Administrative Tribunal recognized that the Secretary-General has a broad discretion concerning the organization of offices and abolition of posts, and the Administrative Tribunal could not
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20. The evidence supports the conclusion of the UNDT that the abolished post was the post that Dumornay occupied. It is difficult to accept Dumornay's assertion that she occupied her position merely on a temporary basis for a period of about ten years and was entitled to return to a post she left a decade earlier under an agreement between her and the Administration.

21. There is no evidence to support Dumornay's assertions that discrimination or any other improper purpose was the motivation behind the abolishment of her post and the creation of a new post as part of the reorganization of the office. Dumornay was given a three-month temporary appointment after her post was abolished and reasonable efforts were made by the Administration to try to find

Judgment

23. This Court affirms the UNDT Judgment and dismisses the appeal in its entirety.

Dated this 29th day of October 2010 in New York, United States.

Original and authoritative version: English

(Signed)

Judge Simón, Presiding

(Signed)

Judge Courtial

(Signed)

Judge Painter

Entered in the Register on this 29th day of December 2010 in New York, United States.

(Signed)

Weicheng Lin, Registrar