



Introduction

1. On 16 August 2011, the Applicant filed a request for a review of his appointment to the position of Chief of Office of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in Geneva, Switzerland, on 15 August 2011.

Employment History

2. In 2004, the Applicant joined OCHA as Humanitarian Affairs Officer and Head of OCHA in Geneva, at the P-5 level, on an interim basis under the

Applicant's request for a review of his appointment to the position of Chief of Office of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in Geneva, Switzerland, on 15 August 2011.

Background

3. The Applicant was appointed to the position of Chief of Office of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in Geneva, Switzerland, on 15 August 2011.

was reassigned to Senegal. The USC/ERC informed the Applicant of the difficulties encountered by OCHA to upgrade the position in Dakar from P-5 to P-6. The USC/ERC however advised that the Applicant could be promoted to P-5 level, with financial benefits equivalent to those of a P-6 employee.

11. The Applicant requested that the Commission should order the Respondent to:

"(1) Reassign the Applicant to a position of P-6 in the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in Dakar, Senegal, with financial benefits equivalent to those of a P-6 employee; and

(2) Reassign the Applicant to a position of P-6 in the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in Dakar, Senegal, with financial benefits equivalent to those of a P-6 employee, if the Respondent is unable to reassign the Applicant to a position of P-6 in the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in Dakar, Senegal, with financial benefits equivalent to those of a P-6 employee.

12. The Respondent stated that the Applicant's request was not tenable. It stated that the Applicant's request was not tenable because the Respondent was unable to reassign the Applicant to a position of P-6 in the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in Dakar, Senegal, with financial benefits equivalent to those of a P-6 employee.

13. The Respondent stated that the Applicant's request was not tenable because the Respondent was unable to reassign the Applicant to a position of P-6 in the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in Dakar, Senegal, with financial benefits equivalent to those of a P-6 employee.

14. The Respondent stated that the Applicant's request was not tenable because the Respondent was unable to reassign the Applicant to a position of P-6 in the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in Dakar, Senegal, with financial benefits equivalent to those of a P-6 employee.

15. The Respondent stated that the Applicant's request was not tenable because the Respondent was unable to reassign the Applicant to a position of P-6 in the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in Dakar, Senegal, with financial benefits equivalent to those of a P-6 employee.

16. The Respondent stated that the Applicant's request was not tenable because the Respondent was unable to reassign the Applicant to a position of P-6 in the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in Dakar, Senegal, with financial benefits equivalent to those of a P-6 employee.

17. The Respondent stated that the Applicant's request was not tenable because the Respondent was unable to reassign the Applicant to a position of P-6 in the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in Dakar, Senegal, with financial benefits equivalent to those of a P-6 employee.

¹ The Applicant requested that the Commission should order the Respondent to: (1) Reassign the Applicant to a position of P-6 in the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in Dakar, Senegal, with financial benefits equivalent to those of a P-6 employee; and (2) Reassign the Applicant to a position of P-6 in the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in Dakar, Senegal, with financial benefits equivalent to those of a P-6 employee, if the Respondent is unable to reassign the Applicant to a position of P-6 in the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in Dakar, Senegal, with financial benefits equivalent to those of a P-6 employee.

24. While on mission in New York, the complainant was assigned to the position of Deputy Director of the Coordination and

Management of the United Nations Mission in Haiti (UNMIL) in August 2011. The complainant was assigned to the position of Deputy Director of the Coordination and Management of the United Nations Mission in Haiti (UNMIL) in August 2011.

25. The complainant was assigned to the position of Deputy Director of the Coordination and Management of the United Nations Mission in Haiti (UNMIL) in August 2011.

26. By email dated 21 July 2011, the Deputy Director of the Coordination and Management of the United Nations Mission in Haiti (UNMIL) in August 2011.

Post in Haiti effective August 2011.

26. By email dated 21 July 2011, the Deputy Director of the Coordination and Management of the United Nations Mission in Haiti (UNMIL) in August 2011.

The complainant was assigned to the position of Deputy Director of the Coordination and Management of the United Nations Mission in Haiti (UNMIL) in August 2011. The complainant was assigned to the position of Deputy Director of the Coordination and Management of the United Nations Mission in Haiti (UNMIL) in August 2011.

The complainant was assigned to the position of Deputy Director of the Coordination and Management of the United Nations Mission in Haiti (UNMIL) in August 2011.

The complainant was assigned to the position of Deputy Director of the Coordination and Management of the United Nations Mission in Haiti (UNMIL) in August 2011.

The complainant was assigned to the position of Deputy Director of the Coordination and Management of the United Nations Mission in Haiti (UNMIL) in August 2011.

The complainant was assigned to the position of Deputy Director of the Coordination and Management of the United Nations Mission in Haiti (UNMIL) in August 2011.

The complainant was assigned to the position of Deputy Director of the Coordination and Management of the United Nations Mission in Haiti (UNMIL) in August 2011.

The complainant was assigned to the position of Deputy Director of the Coordination and Management of the United Nations Mission in Haiti (UNMIL) in August 2011.

The complainant was assigned to the position of Deputy Director of the Coordination and Management of the United Nations Mission in Haiti (UNMIL) in August 2011.

The complainant was assigned to the position of Deputy Director of the Coordination and Management of the United Nations Mission in Haiti (UNMIL) in August 2011.

The complainant was assigned to the position of Deputy Director of the Coordination and Management of the United Nations Mission in Haiti (UNMIL) in August 2011.

to reflect a significant downsizing of the office and a reduction of its budget and staff. OCHA did propose to retain the P-5 post for the first eight months in 2011, however, the Respondent argues that the decision to offer a staff member a P-5 position was not based on proper motives and was unfair.

d. The Respondent further submits that the decision to offer a staff member a P-5 position was not based on proper motives and was unfair.

per motive to demote the applicant. However, in fact OCHA unsuccessfully sought to upgrade the P-5 post of Head of Office, ROWCA, to the D-1 level. Nevertheless, OCHA allowed Applicant to be placed against the D-1 level until the expiry of his fixed-term appointment. The Applicant cannot be transferred back to Haiti as the post is due to be abolished. Further, in March 2011, another staff member was appointed as Head of Office in Haiti and

Applicant to enable him to take the Resident Coordinator Assessment

within the UN system.

In view of this, the Respondent submits that the decision is *prima facie*

Conversion to a continuous appointment can only take place against

discretion. Such conversion is subject to the discretion of the

the Secretary-General and taken following a competitive process. For

these reasons, the Panel concludes that the Respondent was not appointed to any position

of the United Nations. The Respondent's claim that the Respondent was

appointed to any position of the United Nations is not supported by any evidence.

The Panel concludes that the Respondent's claim that the Respondent was

appointed to any position of the United Nations is not supported by any evidence.

The Panel concludes that the Respondent's claim that the Respondent was

appointed to any position of the United Nations is not supported by any evidence.

The Panel concludes that the Respondent's claim that the Respondent was

appointed to any position of the United Nations is not supported by any evidence.

The Panel concludes that the Respondent's claim that the Respondent was

Considerations

30. For the purpose of the present application, The Tribunal considers that the

impugned decisions are prima facie reasonable and that the complainant has not

established that the impugned decisions are unreasonable.

31. The complainant has not established that the impugned decisions are

unreasonable. The complainant has not established that the impugned

decisions are unreasonable. The complainant has not established that the

impugned decisions are unreasonable. The complainant has not established that

the impugned decisions are unreasonable. The complainant has not established

that the impugned decisions are unreasonable. The complainant has not

established that the impugned decisions are unreasonable. The complainant

has not established that the impugned decisions are unreasonable. The

complainant has not established that the impugned decisions are unreasonable.

32. The complainant has not established that the impugned decisions are

unreasonable. The complainant has not established that the impugned

decisions are unreasonable. The complainant has not established that the

impugned decisions are unreasonable. The complainant has not established

that the impugned decisions are unreasonable. The complainant has not

established that the impugned decisions are unreasonable. The complainant

has not established that the impugned decisions are unreasonable. The

complainant has not established that the impugned decisions are unreasonable.

33. The complainant has not established that the impugned decisions are

unreasonable. The complainant has not established that the impugned

decisions are unreasonable. The complainant has not established that the

impugned decisions are unreasonable. The complainant has not established

that the impugned decisions are unreasonable. The complainant has not

established that the impugned decisions are unreasonable. The complainant

has not established that the impugned decisions are unreasonable. The

complainant has not established that the impugned decisions are unreasonable.

34. The complainant has not established that the impugned decisions are

unreasonable. The complainant has not established that the impugned

37. The Tribunal recalls that the burden of proof lies on the Applicant and there is nothing on record to show that the decision was made on the ground of improper motive against the Applicant. On the contrary, it finds that OCHA has acted in good faith.

38. In the light of the above, the Tribunal finds that the impugned administrative decision is not unlawful, arbitrary, or otherwise in violation of the provisions of the law and/or the Constitution of the State of Rwanda.

39. Consequently, the appeal is dismissed.

UNDT/2011/147

UNDT/2011/147

UNDT/2011/147

UNDT/2011/147