Case No. UNDT/GVA/2016/15

5. >n t(e \$onte<t of an ema#" \$(a#n ' #t(t(e A ! ! "#\$ant a)out a Aue& &e"at#ng to (#s fun\$t#ona" t#t"e a&#s#ng f&om (#s ass#gnment to 4nte))e+ t(e 9>9. 4<e\$ut#,e 9ff#\$e ad,#sed t(e A ! ! "#\$ant+) ema#" of 25 August 201:+ t(at-

E #tBs a)#t mess)ut fo& @* !u&!oses and)e\$ause t(#s (as an effe\$t on ent#t"ements C ' eD 6ust ' ant to ma?e su&e e,e& one #s on t(e same !age ' #t(t(at and unde&stand t(e #nt&#a\$#es of t(#s a&&angement /em!(as#s added2.

6. 9n 1% .e!tem)e& 201:+ t(e A!!"#\$ant &e\$e#,ed a Pe&sonne" A\$t#on /PA No. %:5851:2 s!e\$#f #ng t(e amount of (#s D.A and (#s !ost ad6ustment eg@ased (onf ((#s)(terdf))at(sa(&))-1.446.0858734(e34 T d D [(T)-7.205754(o)-0.958)60221(u)-aUD/R17 11

Aud 801(7)4.3275(-123.055 o)-0.95892)e 2s.739.922()-176.349(o)-0.95892(n)9.6984

%. 9n 28 9\$to)e& 201:+ 0Adm#n#st&at#, e Gu#de"#nes fo& 9ff#\$es affe\$ted) an
4)o"a V#&us D#sease /4VD2 9ut)&ea?1 /04VD Gu#de"#nes12 'e&e #ssued and
d#ssem#nated to a"" 9>9. staff. Pa&a. 23/a2 of t(e 4VD Gu#de"#nes &eads-

23. >n okdek to addkess t(e needs of t(e Un#ted Nat#ons 9 kgan#Hat#ons #n ke;tas?#ng t(e#k a\$t#,#t#es #n kes!onse to t(e 4 VD 9 ut)kea?+ @eads of De!aktments/9ff#\$es ma -

a2 tem !o&a&#" de !"o a staff mem)e& to a UN off#\$e #n anot(e& "o\$at#on to !e&fo&m (#s/(e& o& ot(e& dut#es+ o& a \$om)#nat#on of)ot(. T&a,e" to t(e "o\$at#on and D.A '#"")e !a a)"e.

10. B ema#" of : No,em)e& 201: to (#s 4<e\$ut#,e 9ff#\$e&+ t(e De!ut D#&e\$to&+ >D+ 9>9. /V#enna2 as?ed (e& (o' (e& 0C23 9\$to)e& 201:D &es!onse no' f#t '#t(!a&as. 22;23 f&om t(e C4VD Gu#de"#nesD1.

11. B ema#" of t(e same da +t(e 4<e\$ut#,e 9ff#\$e& &e!"#ed t(at

Ass#gnment and CTem!o&a& Dut D a&e ea\$(a ,a"#d moda"#t to Item!o&a&#" de!"o B staff. An e<eut#,e de\$#s#on 'as made to use t(e fo&me& a&amment+ '(#\$(affo&ds &e"o\$ated staff t&a,e" \$osts+30 da s D.A+ as 'e"" as *8G C*e"o\$at#on G&antD /J12002 and !&o;&ated "um!;sum !o&t#on of t(e one mont(net sa"a& .

T(e adm#n#st&at#, e gu#de"#nes on t(e 4)o"a &es!onse C!&o,#deD o&gan#Hat#ons '#t(o!t#ons on (o' to manage staff du&#ng t(e \$&#s#s. T(e gu#de"#nes do not &e!"a\$e t(e staff &egu"at#ons and &u"es (o'e,e&.

T(e adm#n#st&at#, e gu#de"#nes !&o, #de fo& D. A #f a staff mem)e& #s sent on dut t&a, e". Dut t&a, e" #s no&ma"" s(o&t;te&m. T(e gu#de"#nes #n an e,ent do not #nd#\$ate a ma<#mum t#me f&ame fo& t(e D. A !a ment. D. A #s not un"#m#ted+ (o'e,e&+ unde& t(e UN staff &u"es.

7 unde&stand#ng #s t(at t(e staff mem)e& 'as #n#t#a"" ass#gned to 4nte))e fo& 6 mont(s f&om t(e sta&t. Unde& staff &u"e 3.F/##2 0C 'D(en a staff mem)e& #s ass#gned to a dut stat#on fo& "ess t(an one ea&+ t(e .e\$&eta&;Gene&a" s(a"" de\$#de at t(at t#me ' (et(e& to a!!" t(e !ost ad6ustment a!!"#\$a)"e to t(e dut stat#on and+ #f a!!&o!&#ate to !a an ass#gnment g&ant unde& staff &u"e 960221(&)2.57 885] TJD242.-3.66653(n)-0.96

t(e tem !o&a& dut stat#on and !a !ost ad6ustment o& !a D.A. @o 'e, e&+ unde& staff &u"e :.8/)2+ 0CaD \$(ange of off#\$#a" dut stat#on s(a"" ta?e !"a\$e ' (en a staff mem)e& #s ass#gned f&om a dut stat#on to a Un#ted Nat#ons f#e"d m#ss#on fo& a !e&#od e<\$eed#ng t(&ee mont(s.1 4nte))e #s a f#e"d m#ss#on+ t(e&efo&e+ #f a de\$#s#on ' e&e to)e made to !a D.A+ t(e !a ment of D.A ' ou"d)e "#m#ted to 3 mont(s ma<#mum afte& ' (#\$(t(e staff mem)e& must)e #nsta""ed at t(e dut stat#on.

T(at #s not CtoD sa t(at t(e staff mem)e& (as a &#g(t to !a ment of D. A fo& t(e f#&st t(&ee mont(s. Unde& staff &u"e 3.F/\$2/###2+ 0C ' D(en a staff mem)e& #s ass#gned to a Un#ted Nat#ons f#e"d m#ss#on fo& a !e&#od of t(&ee mont(s o& "ess+ t(e .e\$&eta& ;Gene&a" s(a"" de\$#de at t(at t#me ' (et(e& to a !!" t(e !ost ad6ustment a !!"#\$a)"e to t(e dut stat#on and+ #f a !!&o!&#ate+ to !a an ass#gnment g&ant unde&

15. B 9&de& No. 68 /GVA/20162+ t(e T&#) una" o&de&ed t(e *es! ondent to-

a. C"a&#f t(e !&e\$#se mean#ng and effe\$t on t(e A ! !"#\$antBs \$"a#ms of t(e !(&ase 0&e\$e#,e ent#t"ements as t(e !e&ta#n to 4nte))e15 and

). P&o,#de an do\$umenta& e,#den\$e of t(e date of not#f#\$at#on to t(e A ! ! "#\$ant #nd#\$at#ng !&e\$#se" '(en and '(at (e (ad)een #nfo&med of #n &e"at#on to D.A !a ment and Post Ad6ustment \$a"\$u"at#on.

9n 13 A!&#" 2016+ t(e *es!ondent &es!onded to 9&de& No. 68 /GVA/20162.
B o&de& No. 81 /GVA/20162+ t(e T&#)una" &eAuested-

a. T(e A!!!"#\$ant to \$omment on t(e *es!ondentBs \$"a#m of non;&e\$e#,a)#"#t of (#s a!!"#\$at#on5 and

). T(e !a&t#es ,#e 's on \$ons#de&#ng and dete&m#n#ng t(#s \$ase on t(e do\$uments on f#"e and+ #f a ! !"#\$a)"e+ t(e#& &easons '(a (ea&#ng 'ou"d)e ne\$essa& .

1F. 9n 10 7 a 2016+ t(e A!!"#\$ant su)m#tted (#s \$omments on t(e *es!ondentBs a&gument \$on\$e&n#ng t(e non;&e\$e#,a)#"#t of (#s a!!"#\$at#on+ and t(e !a&t#es ag&eed t(at t(#s \$ase ma)e de\$#ded '#t(out a (ea&#ng.

18. B 9&de& No. 106 of 26 7 a 2016+ t(e T&#) una" &eAuested-

a. T(e A!!"#\$ant to su)m#t a s\$(edu"e of "oss #nd#\$at#ng "osses #n\$u&&ed as a d#&e\$t \$onseAuen\$e of t(e de\$#s#on to #nsta"" (#m f#&st #n 4nte))e and t(en to 7 on&o,#a5 and

). T(e *es!ondent to f#"e \$omments+ #f an + on t(e A!!"#\$antBs s\$(edu"e of "oss.

1%. 9n 31 7 a 2016+ t(e A!!"#\$ant su)m#tted (#s s\$(edu"e of "oss and+ on 3 June 2016+ t(e *es!ondent f#"ed (#s \$omments on #t.

arti s su issions

20.

f. T(e .e\$&eta& ;Gene&a" ma on" ma?e a"te&nat#,e a&&angements \$on\$e&n#ng a staff mem)e&Bs !ost ad6ustment #f t(e)enef#t (#m/(e&. >n ot(e& 'o&ds+ t(e .e\$&eta& ;Gene&a" \$annot e<e&\$#se (#s d#s\$&et#on unde& staff &u"e 3.F/\$2 to a staff mem)e&Bs det&#ment o& #n a 'a t(at 'ou"d &esu"t #n a net de\$&ease of a staff mem)e&Bs sa"a& . T(e&efo&e+ t(e a!!"#\$a)"e &ate fo& t(e \$a"\$u"at#on of t(e A!!"#\$antBs !ost ad6ustment s(ou"d no&ma"")e t(at of 7 on&o,#a)e\$ause #t (as a (#g(e& !ost;ad6ustment &ate t(an 4nte))e5

g. 4nte))e #s a &egu"a& fam#" dut stat#on and not a f#e"d dut stat#on5

(.

C(ange of off#\$#a" dut stat#on

3:. T(e T&#)una" #s sat#sf#ed t(at 4nte))e #s to)e \$on

/###2

Pa ment of D. A fo& on" 30 da s

:3. @a,#ng found t(at t(e&e 'as a \$(ange of off#\$#a" dut stat#on #n t(e A!!"#\$antBs \$ase+ t(e T&#)una" f#nds t(at D.A !a ment fo& on" 30 da s 'as

:F. 9n t(e) as#s of a"su"at#ons su)m#tted) t(e *es!ondent+ t(e T&#)una" notes t(at t(e A!!"#\$ant &e\$e#,ed &ust unde& U.D6:+000 o,e& and a)o,e (#s \$"a#med e<!enses. A\$\$o&d#ng" + (#s \$"a#m t(at (e #n\$u&&ed a "oss fo& ' (#\$((e s(ou"d) e \$om!ensated)) t(e 9&gan#sat#on #s fa& fet\$(ed and d#ff#\$u"t to \$om!&e(end.

ud nt

:8. T(e&e #s no me&#t #n t(e \$ontent#ons ad,an\$ed) t(e A!!"#\$ant. T(e a!!"#\$at#on fa#"s and #s d#sm#ssed.

Judge Goo"am 7 ee&an Dated t (#s 18^{t(} da of No,em)e& 2016

 $^+$

.

4nteled #n t(e *eg#stel on t(#s $18^{t(}$ da of No, em)el 2016

*enM 7. Va&gas 7.+ *eg#st&a&+ Gene,a