
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2017/070

Judgment No.: UNDT/2018/129

Date: 14 December 2018

Original: English

Before: Judge Alessandra Greceanu

Registry: New York

Registrar: Nerea Suero Fontecha

GRENFELL

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

ON WITHDRAWAL

Counsel for Applicant:

Daniel Trup, OSLA

Natalie Dyjakon, OSLA

Counsel for Respondent:

Alan Gutman, ALS/OHRM, UN Secretariat

Alister Cumming, ALS/OHRM, UN Secretariat

Introduction

1. The Applicant, a Legal Officer in the Office of Legal Affairs in New York holding a permanent appointment and serving at the P-4 level, step 11, and who receives a temporary Special Post Allowance at the P-5 level, 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. The Applicant also requests an expedited hearing.

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-dependent spouse and dependent children”) as follows: UNDT/NY/2017/033 (Porret), UNDT/NY/2017/035 (Coello Martin), UNDT/NY/2017/047 (Rodriguez-Garcia), UNDT/NY/2017/049 (Wiener), UNDT/NY/2017/051 (Kim), UNDT/NY/2017/055 (Lee), UNDT/NY/2017/057 (Moreau), UNDT/NY/2017/061 (Pala-Krishnan), UNDT/NY/2017/065 (Alford), UNDT/NY/2017/067 (Elbaz), UNDT/NY/2017/070 (Grenfell), UNDT//NY/2017/072 (Cummings-John) and UNDT/NY/2017/074 (Lopez Posse). The legal issues raised in

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 16 August 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. 170 (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. 197 (NY/2017) dated 21 September 2017, the Tribunal confirmed its decision to grant 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. 210 (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, Counsel for both parties attended in person (for the Applicant, Mr. Daniel Trup and Ms. Natalie Dyjakon, and for the

20. On 19 January 2018, the Applicant submitted a submission regarding her 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 Organization of the recommended methodology for each element of the compensation package (salary, incentives, allowances and benefits) from 1 January 2017, including but not limited to the base/floor salary scale, post adjustment, margin estimate, staff assessment, dependency allowances, and pensionable remuneration;
 - iii. The relevant methodology that was adopted by the Organization, if any, for each element of the compensation package from 1 January 2017; if available, a copy of any such methodology is to be provided;
 - iv. The 2017 evaluations regarding the margin estimate and post adjustment.
- c. An agreed date for a CMD in the period from 1 to 9 March 2018.

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, that the parties could file any additional relevant documentation no later than 20 April 2018, and that the parties were to submit their closing statements by 18 May 2018 based only on the evidence already before the Tribunal.

27. On 18 May 2018, the parties filed their closing submissions.

28. On 21 June 2018, the Tribunal instructed the Respondent via email to file a copy of the Applicants' employment contract/Letter of Appointment by 22 June 2018.

29. On 22 June 2018, the Respondent duly filed the available documentation, as instructed by the Tribunal.

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