

UNITED NATIONS DISPUTE TRIBUNAL

Introduction

1. The Applicant filed an application on 21 August 2022 contesting the decisions to: (i) grant the Applicant a special post allowance (“SPA”) instead of a temporary promotion; and (ii) find the Applicant ineligible to apply for Job Opening (“JO”) 178301 because applicants may only apply for vacancies one level above their current grade (“contested decisions”). JO 178301 is a position at the P-540ml.(1)-2()29(a)3(pp1)-5cant

2. The Respondent filed a reply to the application on 20 September 2022 in which B8 154 (nt) -2(at)he applicatio)3 (bns)8 (t)gost(r) e 17(i)-2e07(q)er BT be Edu12:0hEFA p00000 rg 0.9981 0.0 0. failed to timely request management evaluation of the SPA decision; and there has been no administrathe TJ ET Q q B(e)3(s)8-2(s)8(i)-2(on;-)-2()49(a19()9(t)-17(l)-2(e)38(t)d)] TJ ET Q

Facts

5. The Applicant serves as a Human Resources Officer with the United Nations Support Office in Somalia (“UNSOS”). At the time the Applicant applied for JO 178301, their personal grade was at the P-3/13 level.¹ Effective 1 September 2022, the Applicant has been promoted to P-4 Human Resources Officer.

6. On 24 March 2020, the Applicant was selected for the temporary position of Human Resources Officer at the P-4 level against Temporary Job Opening (“TJO”) 131330. The Applicant assumed the functions of the post effective 1 April 2020 through 30 January 2021 and was granted SPA effective 1 July 2020 pursuant to section 6.3 of ST/AI/2003/3.² The Applicant’s temporary assignment and SPA were subsequently extended until 31 May 2021.³

7. In March 2022, the UNSOS Human Resources Section recommended the extension of the Applicant’s SPA from 1 June 2021 through 30 June 2022.⁴ There is an email from one PG to the Applicant dated 26 April 2022 informing the Applicant of the extension of their SPA from 1 June 2021 to 30 June 2022 and that payment would be reflected in their May salary.⁵

8. Between 20 April to 19 May 2022, UNSOS advertised a P-5 Senior Logistics Officer position in *Inspira* under JO 178301.⁶ The Applicant applied for JO 178301 on 1 May 2022, and subsequently learned that their application was rejected, and that they would not be further considered.⁷ According to the Respondent, recruitment for JO 178301 is still ongoing.⁸

¹ Reply, annex R1.

² Application, annex 01 and annex 04, pages 4-5.

³ Application, annex 06 (response from the Management Evaluation Unit).

⁴ Application, annex 04.

⁵ Reply, annex R7.

⁶ Reply, para. 16.

⁷ Application, p. 4, para. 5.

⁸ Reply, para. 16.

9. On 12 May 2022, a Personnel Action (“PA”) form was issued retroactively extending the Applicant’s temporary assignment and SPA from 1 June 2021 to 30 June 2022.⁹

10. On 22 May 2022, the Applicant requested management evaluation contesting the decision on placement on SPA and the decision to find them ineligible for JO 178301.¹⁰

11. In a response dated 1 July 2022, the Management Evaluation Unit (“MEU”) found the Applicant’s management evaluation request to not be receivable because the challenge against the SPA decision was time-barred and there was no administrative decision with respect to the Applicant’s ineligibility for JO 178301.

12. According to the Applicant, several colleagues, who are re re re re re 3(m)-3(e)3(n)-20(t)-2()-90(

b. The MER was submitted within the stipulated deadline because a new situation occurred in June 2021, which triggered an entirely new decision to grant the SPA from 1 June 2021 through 30 June 2022. The Applicant was informed of this new decision no earlier than 26-7(or)-7(m4.ep 12.0 Tf 01.990.0 0.0 1(N)6(B)23

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months, i.e., until 30 September 2022 to seek suspension of the recruitment. A delay of 10 days or more without explanation is self-created urgency.¹⁴

20.

legality of SPA etc., will be examined in the judgment on the merits. Meanwhile, however, a suspension of the contested decision is not allowed.

ORDER

24. The motion for interim measures is refused.

(Signed)

Judge Agnieszka Klonowiecka-Milart

Dated this 6th day of October 2022

Entered in the Register on this 6th day of October 2022

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi