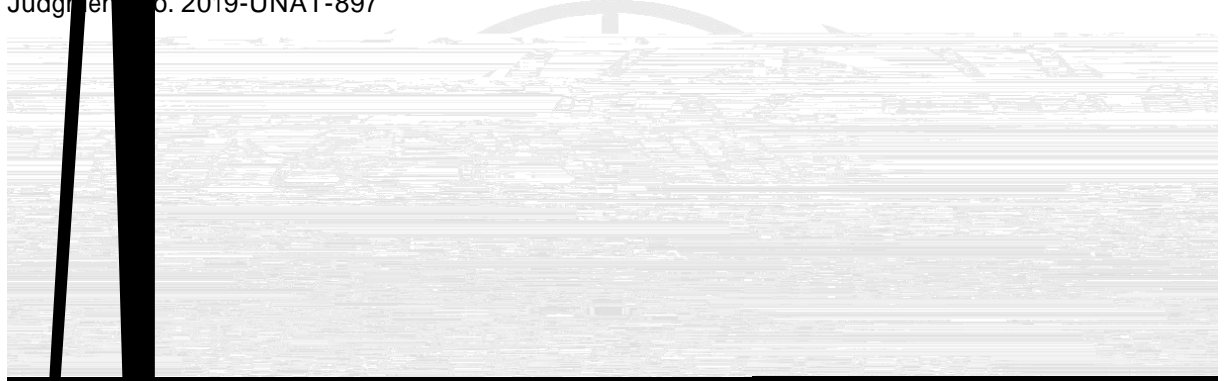


Judgment No. 2019-UNAT-897



Counsel for Appellant: Self-represented

Counsel for Respondent: ! ran"#a \$agos %ola

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8. / r. Garr# argues t' at ' # separat#n for a+andonment of post la"(ed pro"edural fa#ness as ' # re=uest for spe"al lea;e ' ad +een a"(no8ledged +ut t' e Adm#n#strat#n d#d not pro;#de a response unt# after ' e ' ad +een ser;ed 8# ' papers for separat#n. / r. Garr# asserts t' at t' e alleged unaut' or#ed a+sen"e 8as "aused +4 reasons +e4ond ' # "ontrol. >n good fa# ') t' e Adm#n#strat#n s' ould ' a;e "' arged t' e a+sen"es aga#st ' # a""rued annual lea;e. !urt' er) t' e Adm#n#strat#n 8# ' ' eld ' # salar4 and suspended ' # ' ealt' #nsuran"e 8' #e on appro;ed s#(lea;e) ser;#ng as furt' er e; #den"e t' at t' e Adm#n#strat#n d#d not a"t fa#l4) reasona+l4) and #n good fa#'. T' e UN* T #gnored t' e fa"t t' at ' e ' ad a""umulated more t' an -7 annual lea;e da4s) 28 da4s of "ompensator4 t#me off) and 19. da4s of s#(-lea;e 8# ' ' alf pa4.

9. / r. Garr# furt' er argues t' at t' e UN* T erred #n #ts assessment of t' e #tent#nal fals#f#at#n of ' # attendan"e re"ord 8' #' led to ' # salar4 +e#ng 8# ' ' eld and t' e suspens#n of ' # ' ealt' "are 1#sues addressed #n UN* T Judgment Nos. UN* T32017309- and UN* T320173097 and not #n #sue #n t' e #mpugned Judgment2) and 8' #' "ontr#uted to ' #

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21. A "ordinance" set up' old t' e reason#ng of t' e UN* T) 8' #' stated:⁷

.. >t #s not part of t' e Tr#-unals fun"t#ns to put #self #n t' e pos#bn of t' e managers +4 ma(#ng de"#ns on t' e deplo4ment of staff or t' e ass#nment of t' e# dut#s) #n"lud#ng t' e pla"e 8' ere t' e4 are to 8or(. T' e Tr#-unals< dut4 #s to l#d#all4 re; #8 t' e de"#ns to determ#e 8' et' er t' e4 are #n a""ordan"e 8# t' e la8 and 8' et' er t' e de"#bn ma(er3s a"ted pro"edurall4 "orre"tl4. >n "#umstan"es 8' ere a staff mem+er returns from s#(lea;e t' e adm#n#strat#n ' as to +e sat#f#ed t' at t' e staff mem+er "on"erned #s "ert#ed as f# to return to 8or(. >f t' e dut#s ass#ned are of su"" a nature t' at # 8#l +e dff#ult) or #nposs#le) to perform +e"ause of a reason related to ' ealt' t' en an4 representat#n to t' #s effe"t must +e supported +4 an approp#ate med#al report. Su"" l#dgments are left to med#al profess#nals and are not to +e determ#ed on t' e +as#s of assessments or op#n#ns of ot' ers #n"lud#ng t' e staff mem+er) t' e managers "on"erned and) # ma4 properl4 +e added) t' e Tr#-unal.

22. / r. 6arr#s ' as not demonstrated an4 error #n t' e f#nd#ng +4 t' e UN* T t' at ' e ' ad f#ed to meet ' #s +urden of pro;#ng t' at t' e ass#nment to 8or(#n Se"tor Fast 8as mot#ated +4 #mproper "ons#derat#n.

27. Contrar4 to / r. 6arr#s<"la#n t' at t' e UN* T #gnored t' e Se"retar4-5eneral<s a+use of ' # d#"ret#bnar4 po8er) 8e f#nd t' at t' e UN* T properl4 "ons#dered t' e rele;ant fa"ts and t' e appl#a+le la8 #n "on"lud#ng t' at t' e Adm#n#strat#n ' ad follo8ed t' e pres"r#-ed pro"edures and a"ted #n a""ordan"e 8# t' e #nternal la8s of t' e : rgan#t#n #n separat#ng ' #m for a+andonment of post.

2-. T' e UN* T noted) inter alia) t' at Se"t#n . of ST3A>3-00 1A+andonment of post2

T

70. The appeal fails.

& %0.

71.