

UNITED N

2>. 4n 1) January 2014 s'e agaln f! ed a %eBuest fo% management e3a uat!on +* < %eBuest No. 4. of t'e de"!s!ons ,1. +H. t'at 8s'e9 8/ ou d9 'a3e no !en on a post / '! e on tempo%ay ass!gnment /!t' 4:CT \$eyond 61 De"em\$e% 2016. 2. +H. not to ass!st 8'e9 !n e7"ept!ona p a"ement aga!nst a post. 6. +H. not to !nfo% m 8'e9 / 'o !s a""ounta\$ e fo% * 22 %esou%"es +H.-. 2'e %e"el3ed a %ep y dated 1? Janua%y 2014!n / '!"" t'e * <U "on" uded t'at 'e% * < %eBuest No. 4 / as not %e"e!3a\$ e.

60. By app !"at!on f! ed on 10 #e\$%ua%y 2014! t'e App !"ant "ontested t'e de"!s!on to a\$o !s' 'e% post /!t' * 22! t'e de"!s!ons to sepa%ate 'e% f%om t'e 4%gan!5at!on as of 61 De"em\$e% 2016 and not to %ene/ 'e% f!7ed(tem appo!ntment! as /e as t'e ,de"!s!on not to ass!st !n t'e e7"ept!ona p a"ement aga!nst a post! de"!s!on on t'e "ond!t!ons of 8'e9 %e ease on tempo%ay ass!gnment to 4:CT and t'e de"!s!on to /!t' o d !nfo%mat!on %ega% d!ng a""ounta\$! !ty fo% * 22 posts and %esou%"es-.

61. 4n 12 #e\$%ua%y 2014! t'e app !"at!on / as se%3ed on t'e @espondent! / 'o f! ed !s %ep y on 14 * a%"' 2014.

62. 4n 4 * a%"' 2014! t'e App !"ant / as !nfo%med \$y ema! f%om t'e Adm!n!st%at!3e 4ff!"e% <4/D * & t'at 4:CT 'ad %eBusted t'e e7tens!on of 'e% tempo%ay ass!gnment fo% an add!t!ona pe!od of t'!ee mont's t'!oug' 60 June 2014. T'e ema! spe"!"!f!"a y ment!oned t'at ,t'!s e7tens!on 8/ ou d9 \$e unde% t'e same te%ms and "ond!t!ons as 8'e9 "u%%ent ass!gnment! !.e. t'e%e 8/ ou d9 \$e no !en on a post !n * 22 o% any ot'e% post !n 8D * 9 s!n"e 8'e9 post !n * 22 / as a\$o !s' ed effe"t!3e 1 Janua%y 2014-.

66. By 4%de% No. 10E +GVA/2014. of 1? Ju y 2014! t'e T%!\$una "on3o!ed t'e pa%t!es to an o%a 'ea%ng! / '!"" / as 'e d on 4 2eptem\$e% 2014 \$y 3!deo"onfe%en"e. T'e App !"ant !nd!"ated at t'e 'ea%ng t'at !n t'e meant!me 'e% "ont%a"t 'ad \$een e7tended unt! 61 De"em\$e% 2014 on 'e% "u%%ent tempo%ay pos!t!on /!t' !n 4:CT.

o%de% to p%esent 'e% post as 3a"ant \$efo%e t'e ACABG and #!ft' Comm!ttee as part of t'e 6E pe%"ent of t'e 3a"ant posts as at 1 Janua%y 2014 !n o%de% to ;ust!fy a\$o !s' ment of t'ose postsL

On the merits

e. 2'e 'ad %easona\$ e e7pe"tat!on to \$e !e3e% \$ased on t'e engt'y "o%%esponden"e \$et / een t'e U2G/D * and t'e D!%e"to%Umo;a% t'at * 22 posts /ou d %etu%n to t'e 4ff!"e of t'e U2G/D * fo o / !ng t'e "omp et!on of Umo;a%L

f. T'e %eason g!3en \$y t'e <7e"ut!3e 4ff!"e% D * t'at 'e% post /ou d no onge% \$e ne"essa%y g!3en t'at Umo;a / as a %eady do!ng \$us!ness p%o"ess !mp%o3ement !s not suppo%ted \$y t'e fa"tsL

g. :n A/?E/6=)% / '!' / as t'e #!ft' p%og%ess %epo%t p%epa%ed on Umo;a s!n"e 200>% t'e%e / as no ment!on of t'e tempo%a%y !nteg%at!on of * 22 staff !nto Umo;a anymo%e% e3en t'oug' * 22 staff /e%e st! !nteg%ated / !t'!n Umo;a% / !' e t'e !ntent!on to "%eate a \$us!ness %e(eng!nee!ng g%oup / as a %eady statedL t' !s !nd!"ates t'at t'e !ntent / as to %ep a"e * 22 / !t' a ne / team p%e%orm!ng t'e same fun"t!onsL fut'e%mo%e% no "ons!de%at!on / as g!3en to a"tua 3a"an"les and p%o;e"ted %et!%ements / 'en !dent!fy!ng posts to \$e a\$o !s'ed. T'e fa"t t'at se3e%a 3a"an"y announ"ements 'ad \$een pu\$!s'ed !n 2016 to %e"ult t' %ee G2 staff / !t' Umo;a% t'oug' t'e%e seemed to \$e no fund!ng to "ont!nue 'e% post% s'o/s t'at t'e / 'o e p%o"edu%e ead!ng to t'e a\$o !s' ment of t'e * 22 posts / as ta!nted \$y an !n'e%ent "onf !"t of !nte%est and% 'en"e% / as f a / edL

' . T'e C'!ef% * 22% / as not "onsu ted t' %oug' out t'e de" !s!on(ma!ng p%o"ess. T'e Adm!n!st%at!on 'as \$een !ntent!ona y e3as!3e t' %oug' out t'e ent!%e p%o"ess to / a%ds t'e App !"ant% and desp!te 'e% nume%ous %eBuests% !t d!d not !nfo%m 'e% as to / 'o / as a""ounta\$ e fo% t'e * 22 %esou%"esL

!. 2'e / as not g!3en suff!"!ent not!"e of te%m!nat!on of 'e% "ont%a"t% / '!' %esu ted !n "aus!ng 'e% an e7t%eme stress% espe" !a y !n De"em\$e%

2016 / 'en s'e / as fa"ed / !t' t'e un"e%ta!nty su%%ound!ng 'e% "ont%a"tua s!tuat!onL

;. T'e Adm!n!st%at!on t%eated 'e% /!t'out due "ons!de%at!on! In pa%t!"u a% / 'en s'e d!d not get t'e ass!stan"e s'e 'ad %eBusted \$ased on se".11 of 2T/A:/2010/6 +2taff se e"t!on system.. /!'!" dea s /!t' -p a"ement aut'o%!ty outs!de t'e no%ma p%o"ess-L

1. T'e se%les of e3ents s'e "ontests! name y t'e den!a of a !en aga!nst a post !n D *! t'e de"!s!on not to %ea\$so\$ 'e% fo o"!ng t'e end of 'e% tempo%a%y ass!gnment! and t'e de"!s!on not to !nfo% m 'e% as to /'o !s a""ounta\$ e fo% *22 %esou%"es so t'at s'e "ou d e7p o%e e7"ept!ona p a"ement aga!nst a post! demonst%ates t'at t'e de"!s!on to a\$o !s' t'e post s'e /as en"um\$e!ng /as !ntended to deny 'e% t'e oppo%tun!ty fo% "ont!nued emp oyment /!t' t'e UN fo% /!'!" s'e /as e !g!\$ el s'e a so /as not a\$ e to app y fo% t'e 0oung P%ofess!ona s P%og%amme! s!n"e to \$e e !g!\$ e fo% !t staff mem\$e% s must 'o d an appo!ntment 3a !d fo% a m!n!mum of s!7 mont's! /!'!" /as not " ea% !n 'e% "ase due to 'e% un"e%ta!n "ont%a"tua s!tuat!onL

. 2'e %eBuests t'e %es"!s!on of t'e !mpugned de"!s!ons and "ompensat!on fo% t'e d!st%ess! t'e 'a!m and damage "aused! !n" ud!ng t'e oss of ;o\$ se"u%!ty! t'e oss of "'an"e fo% "on3e% s!on to a "ont!nu!ng appo!ntment! and t'e oss of "a%ee% oppo%tun!ties /!t' !n t'e UN. #!na y s'e %eBuests t'at t'e T%!\$una o%de% s a %efe%%a of t'e matte% to t'e 2e"%eta%y(Gene%a fo% a""ounta\$! !ty pu%poses.

6). T'e @espondent s p%!n"!pa "ontent!ons a%eF

On receivability

a. T'e app !"at!on !s not %e"e!3a\$ e razione materiae s!n"e t'e App !"ant does not "ontest adm!n!st%at!3e de"!s!ons unde% a%t. 2+1.+a. of t'e T%!\$una As 2tatuteL

\$. :ndeed t'e T!\$una does not 'a3e ;u%!sd!"t!on to %e3!e/ t'e GAs
de"!s!on to a\$o !s' t'e post en"um\$e%ed \$y t'e App !"antL mo%eo3e% su" ' a
de"!s!on 'ad no effe"t on t'e App !"antAs te%ms of appo!ntment as 'e%
"ont%a"t 'ad \$een fu%t'e% %ene / edL fu%t'e% a staff mem\$e% does not 'a3e a
%!g't to 'a3e '!s o% 'e% pos!t!on f!nan"ed \$y a pa%t!"u a% postL

".

6?. At t'e outset and in 3le/ of t'e numerous %eBuests fo% management e3a uat!on fl ed \$y t'e App !"ant p%lo% to t'e fl !ng of 'e% p%esent app !"at!on! t'e T%!\$una needs to dete%mlne of / '!"' de"!s!ons !t 'as \$een du y se!5ed. :indeed! pu%suant to t'e ;u%!sp%uden"e of t'e Appeas T%!\$una !n Massabni 2012(UNAT(26EF

2. T'e duties of a Judge p%lo% to tal!ng a de"!s!on !n" ude t'e adeBuate !nte%petat!on and "omp%e'ens!on of t'e app !"at!ons su\$mltted \$y t'e part!es! / 'ate3e% t'e!% names! / o%ds! st%u"tu%e o% "ontent t'ey ass!gn to t'em! as t'e ;udgment must ne"essa%! y %efe% to t'e s"ope of t'e part!es! "ontent!ons. 4t'e% /!se! t'e de"!s!on(male% /ou d not \$e a\$e to fo o/ t'e "o%%e"t p%o"ess to a""omp!s' '!s o% 'e% tas!! mal!ng up '!s o% 'e% m!nd and e a\$e%at!ng on a ;udgment mot!3ated !n %easons of fa"t and a / %e ated to t'e part!es! su\$mlss!ons.

6. T'ust t'e aut'o%!ty to %ende% a ;udgment g!3es t

6>. 2!n"e t'e App !"ant e7p%ess y "onf!%med at t'e 'ea%!ng t'at t'ose / e%e t'e de"!s!ons s'e /!s'ed to "'a enge% t'e T%!\$una "ons!de% s t'at !t !s du y sel!5ed on y of t'e f!3e de"!s!ons as !sted a\$03e. :n 3!e / of t'e fa"t t'at t'e @espondent

But "on" under that it 'as no ;ud!"!a po / e% s / !t' %espe"t to matte% s fa !ng / !t' !n
t' e GAAs e7" us!3e %ea m . 2!n"e !t !s not / !t' !n !ts ;u% !sd!"t!on& t' !s T% !\$una ' as
no aut' o% !ty to %e3!e / t' e de" !s!on !n Buest!on +fo% a s!m! a% app%oa" ' & see %e"ent
Judgments Smith

t'e mean!ng of t'e 2taff @u es-. T'e%efo%et t'e App

The respondent to this case documents / '!' ' a% !%% e3ant to !ts de"!s!on
on t'e "ase.

1. :n 3!e / of t'e fo%ego!ng& t'e T%!\$una D<C:D<2F

The application is %e;e"ted !n !ts ent!%ety.

+Signed.

Judge T'omas Da1e%

Dated t' !s 60^t day of 2eptem\$e% 2014

<nte%ed !n t'e @eg!ste% on t' !s 60^t day of 2eptem\$e% 2014

+Signed.

@enN * . Va%gas * .& @eg!st%a%%& Gene3a