Case No.

UNDT/GVA/2016/15

5. >n t(e of an ema#" (a#n '#t(t(e A!!"# ant a) out a Aue& &e"at#ng to (#s fun 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-

T(e de\$#s#on to tem!o&a&#" ass#gn staff to 4nte))e 'as an o!e&at#ona" one made) management due to t(e 4)o"a out)&ea? and #na)#"#t to t&a,e" '#t(#n t(e \$ount& to \$ondu\$t #n,est#gat#ons. . (ou"d t(e s#tuat#on #m!&o,eC+D ou '#"" a"" &etu&n to 7 on&o,#a. T(e&efo&e+ fo& a"" #ntents and !u&!oses+ ou a&e st#"" \$ons#de&ed an $9\!>\!9$.+ UN $7\!>\!8$ staff mem)e&. Aga#n+ t(e on" d#ffe&en\$e #s ou&!(s#\$a" "o\$at#on and as su\$(

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.

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 odded to adddess t(e needs of t(e Un#ted Nat#ons 9 dgan#Hat#ons #n de;tas?#ng t(e#d a\$t#,#t#es #n des!onse to t(e 4 VD 9 ut)dea?+ @eads of De!adtments/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<e\$ut#,e de\$#s#on 'as made to use t(e fo&me& a&&angement+ '(#\$(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\#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 00'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 gkant undek staff &u"e 960221(&)2.57 885] TJD242.-3.6653(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.

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

- 15. B 9 & de & No. 68 / GVA / 20162+ t(e T & +) una o & de & de de 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.
- 16. 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 7a 2016+ t(e A!!"#\$ant su)m#tted (#s \$omments on t(e *es!ondentBs a&gument \$on\$e&n#ng <math>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\$ukked as a d#ke\$t \$onseAuen\$e of t(e de\$#s#on to #nsta"" (#m f#kst #n 4nte))e and t(en to 7 onko,#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 7a 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 \$ onments on #t.

20.

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"\$u"at#ons su)m#tted) t(e *es!ondent+ t(e T&#)una" notes t(at t(e A!!"#\$ant &e\$e#,ed 6ust 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.

: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