
Case No.: UNDT/GVA/2011/049

Judgment No.: UNDT/2011/193

Date: 11 November 2011

5. By letter dated 12 July 2010, the Applicant was informed by the Chief of HRMS that the Office of Human Resources Management at Headquarters had confirmed her eligibility to be considered for conversion to a permanent appointment and that she would be included in the next stage of the process, which involved a further review of eligible staff for suitability to be conducted on the basis of the relevant provisions of Secretary-General's bulletin ST/SGB/2009/10 (Consideration for conversion to permanent appointment of staff members of the Secretariat eligible to be considered by 30 June 2009) and related guidelines.

6. In late September 2010, the Applicant inquired with HRMS on the status of the consideration of her case for conversion to a permanent appointment. She pointed out that at no point in time did she have a continuing contractual relationship with the Australian Government given that she had requested leave without pay as of 2004 upon taking up her appointment with the United Nations.

7. On 1 October 2010, the Applicant received a letter from the Attorney-General's Department of the Australian Government noting that she had been on leave without pay while working with the United Nations since 9 January 2004 and notifying her that her leave would be concluded as at 31 January 2011 since the Department was unable to provide a further extension. The letter also clarified that, for the Australian Government, she was on leave without pay and not on secondment to the United Nations.

8. On 5 October 2010, the Applicant submitted her resignation from the Government of Australia.

9. By email dated 28 April 2011, the Director, Division for Management, UNOV, conveyed to the Applicant the HRMS determination that her status at the time of recruitment and up to 31 January 2011 was on secondment from the Australian Government. He pointed out that it was not possible to modify her recruitment status post facto but that a correction would be made to reflect the end of her secondment as of 1 February 2011.

10. By email dated 27 May 2011, the Applicant requested a management evaluation of the decision dated 28 April 2011 from the Director, Division for Management, UNOV, concerning the determination of her status as on secondment at the time of recruitment.

11. By letter dated 11 July 2011, the Management Evalua

been complied with. Former staff rule 111.2(a), which was in force at the time of the classification, provides as follows:

A staff member wishing to appeal an administrative decision pursuant to staff regulation 11.1 shall, as a first step, address a

Conclusion

27. In view of the foregoing, the Tribunal DECIDES:

The application is rejected.

(Signed)

Judge Thomas Laker

Dated this 11th day of November 2011

Entered in the Register on this 11th day of November 2011

(Signed)

Anne Coutin, Officer-in-Charge, Geneva Registry