

Facts

- 1. On 10 August 2014, t e A!!"#\$ant, a staff mem%e& of t e 'nte&nat#ona" (a&#t#me O&gan#)at#on *+' (O,-, f#"ed a su%m#ss#on .#t t e Gene/a 0eg#st&1 of t e Un#ted Nat#ons D#s!ute T&#%una" *+UNDT,-, ent#t"ed +2e&/#\$e #n\$u&&ed #n3u&1,, #n . #\$ s e seems to %e \$ontest#ng a se&#es of de\$#s#ons ta4en %1 '(O off#\$#a"s .#t &ega&d to t e #n3u&#es s e suffe&ed afte& fa""#ng #n t e '(O!&em#ses on 1 5e%&ua&1 2016, &e7uest#ng, inter alia, t e !a1ment of e& med#\$a" \$osts and e& &e#nstatement on fu"" !a1 status.
- 2. T e su%m#ss#on . as &eg#ste&ed unde& Case No. UNDT/GVA/2014/062.
- 6. On 12 August 2014, t e Gene/a 0eg#st&1 of t e T&#%una" a\$4no."edged &e\$e#!t of t e a!!"#\$at#on and #nfo&med t e A!!"#\$ant t at +de\$#s#ons ta4en %1 t e 8 ead of9: t e 8' (O9, fa"" . #t #n t e 3u&#sd#\$t#on of t e Un#ted Nat#ons A!!ea"s T&#%una" *+UNAT,-, and not of t e UNDT. 't fu&t e& #nd#\$ated t at t e A!!"#\$ant +ma1 t e&efo&e \$ons#de& to . #t d&a . 8 e&9 a!!"#\$at#on f&om t e UNDT, as t e UNDT #s not \$om!etent to dea" . #t t e \$ontested de\$#s#on and as a"so no aut o&#t1 to fo& . a&d 8 e&9 a!!"#\$at#on to t e UNAT, .
- 4. On 14 August 2014, t e A!!"#\$ant sent an ema#" to t e Gene/a 0eg#st&1, as4#ng fo& fu&t e& #nfo&mat#on, &at e&t an .#t d&a .#ng e& a!!"#\$at#on.

Considerations

;. As a f#&st ste!, t e T&#wuna" as to dete&m#ne #f #t #s \$om!etent to e<am#ne an a!!"#\$at#on d#&e\$ted aga#nst t e ' (O. T e T&#wuna" o%se&/es t at #ts \$om!eten\$e #s a matte& of "a.,. #\$ ma1 %e ad3ud#\$ated e/en .#t out se&/#ng t e a!!"#\$at#on to t e Oes!ondent fo& &e!"1 and e/en #f not &a#sed %1 t e !a&t#es *see Christensen 2016=UNAT=66;-. A\$\$o&d#ng"1, t e T&#wuna" deems #t a!!&o!&#ate, at #ts o.n #n#t#at#/e and #n a\$\$o&dan\$e .#t a&t. > of #ts Ou"es of P&o\$edu&e, to de\$#de on t e !&esent a!!"#\$at#on %1 .a1 of summa&1 3udgment, . #\$ as %een a\$\$e!ted as an a!!&o!&#ate too" to dea" .#t #ssues of &e\$e#/a%#"#t1 *see Chahrour 2014=UNAT=406, Gehr 2016=UNAT=616-.

- 6. T e s0!e of t e T ℓ % una"?s $3u\ell$ \$t#on #s \$"ea ℓ "1 dete ℓ \$m#ned and "#m#ted %1 a ℓ \$t. 2.1*a- and a ℓ \$t. 6.1*a- of #ts 2tatute, . #\$! ℓ \$o/#de ℓ \$
 - 2.1. T e D#s!ute T&#%una" s a"" %e \$om!etent to ea& and !ass 3udgement on an a!!"#\$at#on f#"ed %1 an #nd#/#dua", as !&o/#ded fo& #n a&t#\$"e 6, !a&ag&a! 1, of t e !&esent statute, aga#nst t e 2e\$&eta&1=Gene&a" as t e C #ef Adm#n#st&at#/e Off#\$e& of t e Un#ted Nat#ons®
 - *a- To a!!ea" an adm#n#st&at#/e de\$#s#on t at #s a""eged to %e #n non=\$om!"#an\$e . #t t e te&ms of a!!o#ntment o&t e \$ont&a\$t of em!"o1ment.
 - 6.1 An a!!"#\$at#on unde& a&t#\$"e 2, !a&ag&a! 1, of t e !&esent statute ma1 %e f#"ed %10
 - *a- An1 staff mem%e& of t e Un#ted Nat#ons, #n\$"ud#ng t e Un#ted Nat#ons 2e\$&eta&#at o& se!a&ate"1 adm#n#ste&ed Un#ted Nat#ons funds and !&og&ammes.
- A. T e T&#%una" notes t at t e A!!"#\$ant #s a staff mem%e& of t e ' (O, . #\$ #s ne#t e& !a&t of t e Un#ted Nat#ons 2e\$&eta&#at no& of t e Un#ted Nat#ons funds and !&og&ammes, and t at s e does not \$ontest an adm#n#st&at#/e de\$#s#on ta4en %1 t e 2e\$&eta&1=Gene&a" of t e Un#ted Nat#ons *+UN,-, as t e C #ef Adm#n#st&at#/e Off#\$e& of t e UN. 5u&t e&, t e T&#%

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