

UNITED NATIONS DISPUTE T

Introduction

1. The Applicant is the former Chief, Conduct and Discipline Unit at the P-4 level at the United Nations Assistance Mission for Afghanistan (UNAMA).
2. On 15 December 2013, she filed an Application challenging her separation based on the alibi of post abolishment; separation from service pending
3. The Respondent filed a Reply to the Application on 7 January 2014.

Background and Facts

4. On 23 July 2013, the Applicant initiated a formal rebuttal process in relation to her Performance Appraisal (ePAS) for the period 1 April 2012 to 31 March 2013. The Field Personnel Section, Department of Field Support, agreed to establish an *ad-hoc* Rebuttal Panel to carry out this process.
5. By letter dated 15 September 2013 from the Chief Civilian Personnel Officer (CCPO) of UNAMA, the Applicant was advised that, due to restructuring of the mission, the post she encumbered had been identified for downsizing. As a result, the post was to be abolished, effective 31 December 2013.
6. On 4 October 2013, the Applicant requested for expedition in the convening of a rebuttal panel in view of her impending separation.
7. On 22 October 2013, the Applicant filed for management evaluation to determine, *inter alia*, the lawfulness of abolishing the P-4 Conduct and Discipline Officer (CDO) post she encumbered vis

14. On 8 January 2014, UNAMA formally informed the Applicant that the 15 September notification of separation from service was withdrawn and that she was

whilst

did not negatively affect the Applicant, who remained in her current position in accordance with the terms of her appointment until its expiry.

38. The Applicant has provided no evidence of any harm, stress or anxiety. The Appeals Tribunal held in the case of *Zhouk* 2012-UNAT-224 that compensation can only be awarded if the staff member actually suffered damages. A simple averment that she has suffered stress is not sufficient

matter of the present Application. The Tribunal is therefore not in a position to rule or decide on its lawfulness.

Is the Applicant entitled to the remedies sought?

48. The Applicant seeks damages for moral injury associated with flagrant violation of important rights, and stress

