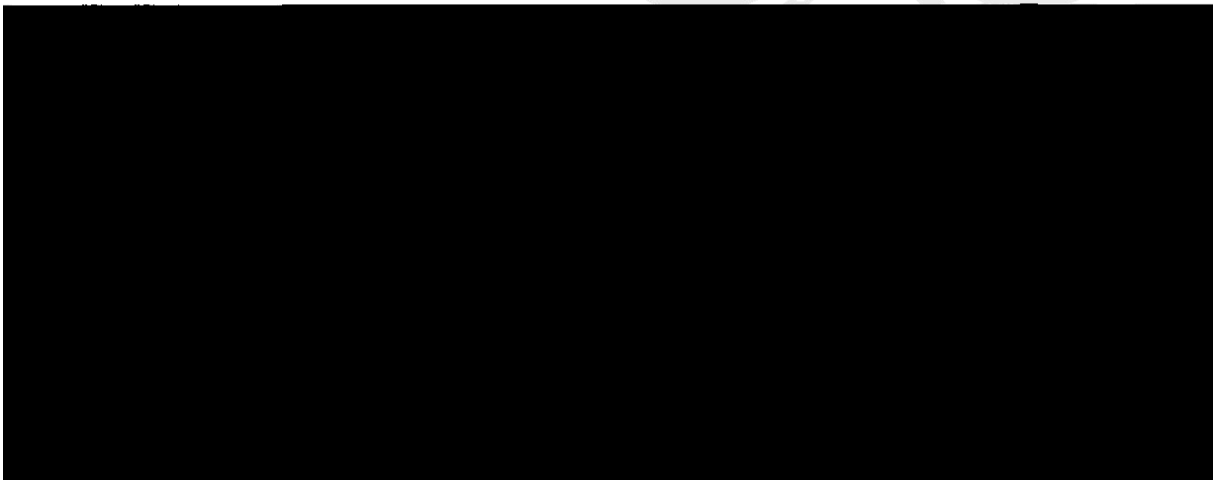


Judgment No. 2015-UNAT-565



Counsel for Mr. Saffir:

Not represented

JUDGE LUIS MARÍA SIMÓN, PRESIDING.

1. The United Nations Appeals Tribunal (Appeals Tribunal) has before it an appeal of Judgment No. UNDT/2014/105, issued by the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in New York on 24 July 2014 in the matter of *Saffir v. Secretary-General of the United Nations*. The Secretary-General filed his appeal on 22 September 2014. Mr. Saffir has not filed an answer.

Facts and Procedure

2. Mr. Saffir was a Document Clerk at the G-5 level with the Publishing Section of the Department of General Assembly and Conference Management (DGACM) at the time of the contested decision.

3. On 10 February 2013, the Assistant Secretary-General of DGACM (ASG/DGACM) sent an e-mail to all the staff members of the Publishing Section, recalling the plan to transition from off-set to digital printing by the end of 2013, and informing them that the off-set printing equipment which had been extensively damaged during the hurricane in October 2012 would not be replaced. In light of these circumstances, the ASG/DGACM advised that 19 positions would be announced on *Inspira* to fulfil the need for in-house printing services using digital equipment or distribution services. The ASG/DGACM also announced measures to mitigate the

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14. On 31 March 2014, the UNDT informed the parties that “a hearing on the merits and compensation” would take place on 10 April 2014 in order to “receive any additional submissions regarding the [Secretary-General’s] contention that there [wa]s no contestable administrative decision” at hand, and to receive evidence regarding Mr. Saffir’s compensation claim.

15. On 10 April 2014, the UNDT held the oral hearing.

16. On 24 July 2014, the UNDT issued its Judgment and found in favour of Mr. Saffir. The UNDT found that Mr. Saffir’s application challenging the initiation of the recruitment process for 19 posts was receivable in that there was a contestable administrative decision which affected his rights under his contract of employment. The UNDT rejected the Secretary-General’s submission that the contested decision was purely preparatory in nature as it had in fact been subsequently implemented in advertising several posts in *Inspira*. Further, the UNDT held that Mr. Saffir was entitled to compensation for any harm that he could prove that he suffered as a result of the impugned decision until it was rescinded on 5 April 2013. On the basis of Mr. Saffir’s oral evidence regarding his history of mistrust with the Organization and the injury he suffered, the UNDT found his compensation claim to be well founded. The UNDT assessed that the matter rated at the lower end of the scale of severity and awarded Mr. Saffir USD 1,000 as compensation for the anxiety and stress he suffered.

The Secretary-General’s Appeal

17. The UNDT erred in accepting the application as receivable. Firstly, the application was

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