

*Translated from French*



Case No.: UNDT/GVA/2009/29

### Application

1. The applicant submitted an appeal on 26 January 2009 to the New York Joint Appeals Board contesting the 4 August 2008 decision of the Director-General of the United Nations Office at Nairobi to reorganize the Support Services Service which the applicant headed, removing the Procurement, Travel and Shipping Section from under her responsibility and putting it under the direct authority of the Director of the Division of Administrative Services.

2. The applicant requests that the said decision should be rescinded, that

Service, and that the damage to her reputation should be repaired.

2. Further to a request from the applicant dated 27 January 2009, the

Division of Administrative Services, noting that the decision was based on the conclusions of the Office of Internal Oversight Services audit report.

On 15 September 2009, the Director of the Division of Administrative Services

[REDACTED]

14. The applicant's principal contentions are as follows:

the applicant contends that a UNAT judgment cannot serve as the

the contrary, the applicant feels that the contested decision will

report of 26 February 2008 does not in any way recommend the

goal which could in no way be achieved using the above-mentioned mechanisms.

15. The respondent's principal contentions are as follows:

- a. On the issue of the receivability of this appeal, the respondent contends that the application was submitted late. Pursuant to article 111.2 (a) (ii) of the Staff Rules in effect at the time of the alleged facts, it should have been filed within one month

e. The respondent maintains that the contested decision is not arbitrary and that it cannot be seen as constituting harassment.

In the respondent's view, the applicant does not provide any

evidence to establish the nexus between the contested measure and the comparative post reclassification review which was to

The respondent asserts that, given the nature of the applicant's

and “terms of appointment” include all pertinent regulations and rules and all relevant administrative issuances in force at the time of the alleged non-compliance ...”.

18. The applicant, Chief of the Support Services Service at the United Nations Office at Nairobi, requests this Tribunal to ~~repeal the decision of~~

the Director-General of the United Nations Office at Nairobi to remove the

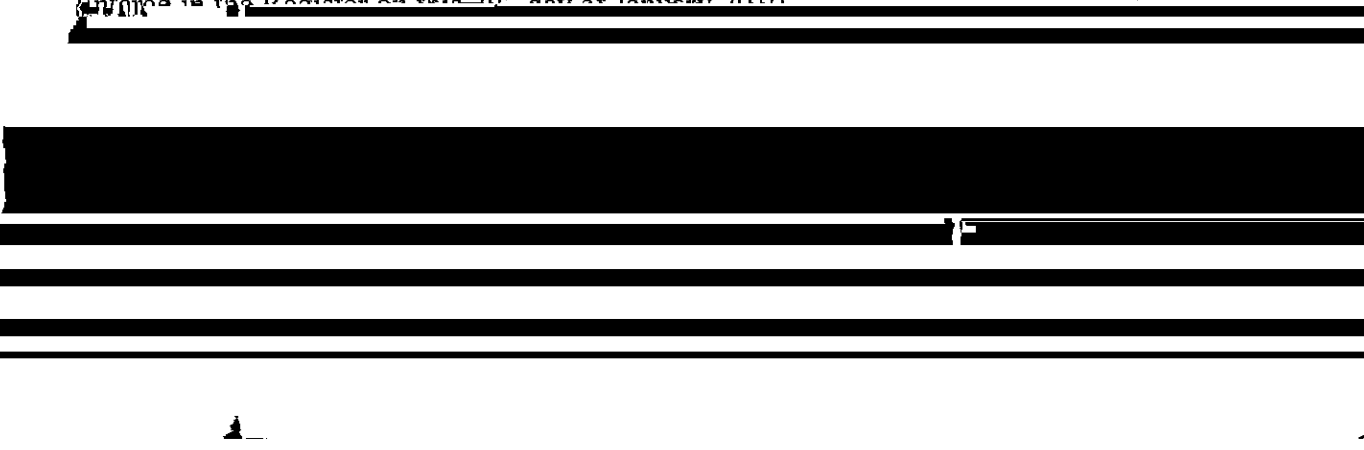


(signed) \_\_\_\_\_

Judge Jean-François Cousin

Dated this 20<sup>th</sup> day of January 2010

Entered in the Register on this 20<sup>th</sup> day of January 2010



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(signed)

Victor Rodríguez, Registrar, UNDT, Geneva