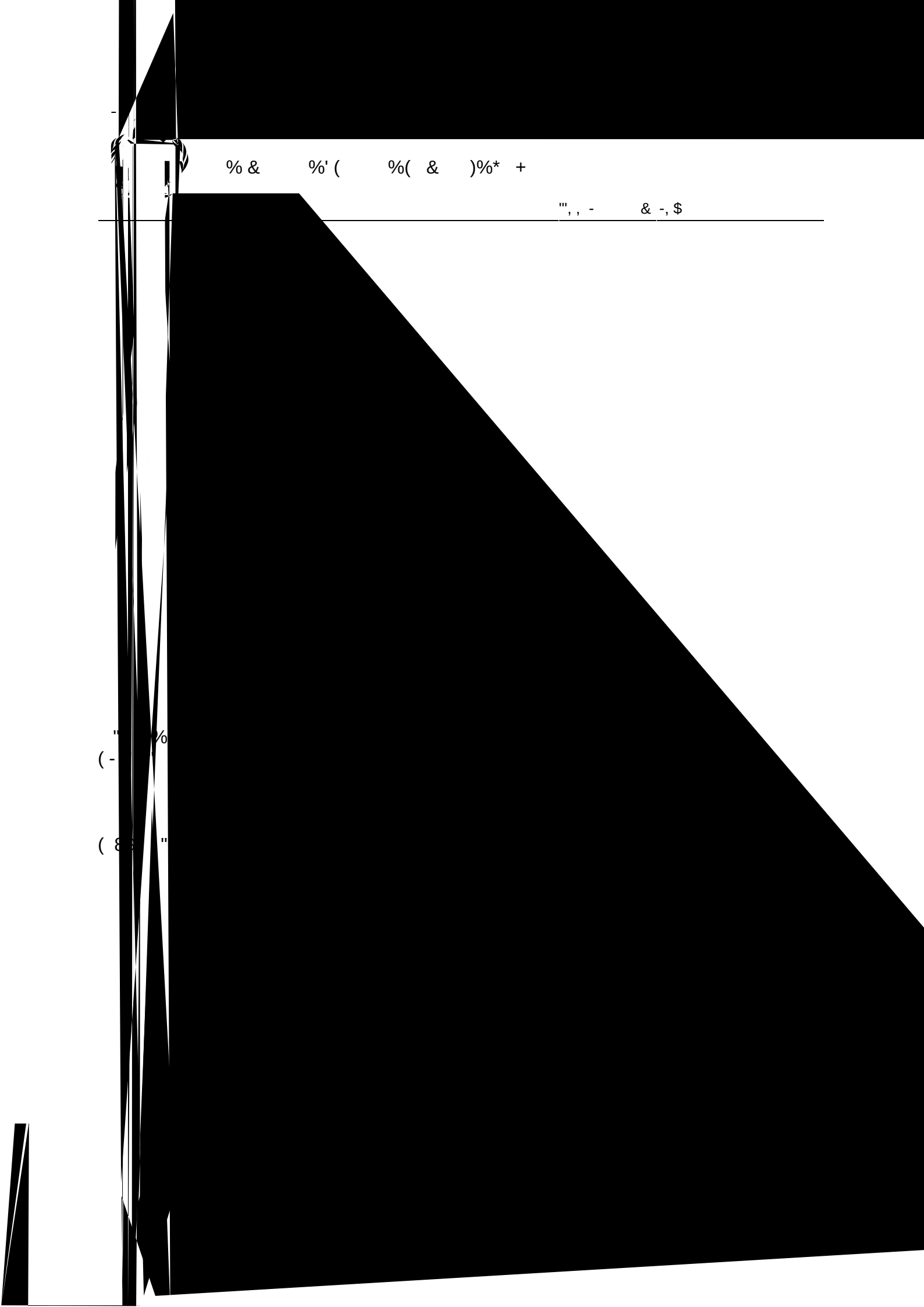

'eg$ste'ed unde' Case No. UNDT/GVA/2013/044 and ass$gned to t)e unde's$gned Judge.

7. ! 4'de' No. 13 5GVA/20146 of 21 Janua'! 2014. t)e T'$-una# o'de'ed t)at t)e %ases -e 2o$ned and t)at t)e! -e de%$ded on t)e -as$s of t)e ('$tten "#ead$ngs. ;t fu't)e' o'de'ed t)at t)e "a't$es su-m$t f$na# %omments. $f an!. -! 4 <e-'ua'! 2014= t)e dead#$ne (as su-se:uent#! e>tended unt$# 11 <e-'ua'! 2014. and t)e "a't$es ? ($t) t)e e>%e"t$on of A""#$%ant Kucherov ? su-m$tted t)e$' f$na# %omments on t)at date.

8. ;n "a'a. .1. of $ts 'eso#ut$on A/,@//33/235 of 24 De%em-e' 2011 5Un$ted Nat$ons %ommon s!stemA 'e"o't of t)e ;nte'nat$ona# C$8$# /e'8$%e Commsson6. t)e Gene'a# Assem-#! 'e:uested t)e ;C/CA

> BTCo e>"#o'e t)e feas$-$#$t! and su$ta-$#$t! of "oss$-#e measu'es to 'ef#e%t $n t)e adm$n$st'at$on of t)e "ost ad2ustment s!stem t)e "a! f'eeDe of t)e %om"a'ato' %8# se'8$%e= to dete'm$ne ()et)e' t)e $m"#ementat$on of su%) measu'es fa##s unde' $ts aut)o'$t!= to e>e'%$se su%) aut)o'$t!. as a""'o"'$ate. and to 'e"o't t)e'eon to t)e Gene'a# Assem-#! at $ts s$>t!0se8ent) sess$on.

&. Pa'ag'a") 121 of t)e 2012 ;C/C 'e"o't to t)e Gene'a# Assem-#! 5A/37/306 'eadsA

> 121. T)e CommssonA
>
> 5a6 Noted t)at a "ost ad2ustment mu#t$"#$e' of 38.0 (ou#d -e%ome due $n Ne(*o'+ on 1 August 2012 $n a%%o'dan%e ($t) t)e a""'o8ed met)odo#og!=
>
> 5-6 De%$ded to defe' t)e "'omu#gat$on of t)e 'e8$sed Ne(*o'+ "ost ad2ustment mu#t$"#$e' $n 8$e(of t)e f$nan%$a# s$tuat$on of t)e Un$ted Nat$ons as des%'$-ed -! t)e /e%'eta'!0Gene'a#=
>
> 5%6 A#so de%$ded t)at un#ess t)e Gene'a# Assem-#! a%ted ot)e'($se. t)e mu#t$"#$e' (ou#d -e "'omu#gated on 1 Janua'! 2013

10. 4n 1 August 2012. t)e ;C/C $ssued C$'%u#a' ;C/C/C;, C/PAC/452 5Conso#$dated Post Ad2ustment C$'%u#a'6. %onta$n$ng t)e fo##o($ng te>tA

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1. ased on t)e 'e8$e(of t)e "ost ad2ustment %#ass$f$%at$on fo' Ne(*o'+. a 'e8$sed "ost ad2ustment mu#t$"#$e' of (ou#d -e%ome due $n Ne(*o'+. effe%t$8e 1 August 2012. . at $ts se8ent!0f$ft) sess$on. f'om & E 20 Ju#! 2012. t)e ;C/C de%$ded to defe' t)e "'omu#gat$on of t)$s 'e8$sed mu#t$"#$e' to 1 Janua'! 2013. ($t) 'et'o0a%t$8e 5s$%6 as of one August 2012. un#ess t)e Un$ted Nat$ons Gene'a# Assem-#!. a%ted ot)e'(($se. T)e "ost ad2ustment mu#t$"#$e' of 35.5 t)e'efo'e 'ema$ns $n effe%t fo' Ne(*o'+ unt$# fu't)e' not$%e. 5em")as$s $n o'$g$na#6

11. T)e Gene'a# Assem-#!. on 24 De%em-e' 2012. ado"ted de%$s$on 37/551 5see A/37/4& 5Vo#. ;;6 and A/C.5/37/F.146 5)e'e$nafte' Gene'a# Assem-#! de%$s$on 37/5516. ()$%) 'eads as fo##o(sA

37/551. Un$ted Nat$ons %ommon s!stem

At $ts 32nd "#ena'! meet$ng. on 24 De%em-e' 2012. t)e Gene'a# Assem-#!. on t)e 'e%ommendat$on of t)e <$ft) Comm$ttee.)a8$ng %ons$de'ed t)e 'e"o't of t)e ;nte'nat$ona# C$8$# /e'8$%e Commsson fo' 2012. 'e:uested t)e Commsson to mantan t)e %u''ent Ne(*o'+ "ost ad2ustment mu#t$"#$e' to 31 Janua'! 2013. ($t) t)e unde'stand$ng t)at t)e no'ma# o"e'at$on of t)e "ost ad2ustment s!stem (ou#d 'esume on 1 <e-'ua'! 2013.

12.

14. T)e ;C/C. on 15 <e-'ua'! 2013. $ssued a HConso#$dated Post Ad2ustment C$'%u#a'I 5;C/C/C;, C/PAC/4586 "'omu#gat$ng. unde' $ts /e%t$on ;V. a "ost ad2ustment mu#t$"#$e' of 38.7 fo' Un$ted /tates. Ne(*o'+. effe%t$8e 1 <e-'ua'! 2013.

15. /ome of t)e A"'"#$%ants. $n%#ud$ng A"'"#$%ants Ovcharenko and Kucherov. 'e:uested management e8a#uat$on of t)e Hadm$n$st'at$8e de%$s$on of t)e /e%'eta'!0 Gene'a# to $m"#ement t)e J a%t$ons and 'e%ommendat$ons of t)e ;C/C and t)e Gene'a# Assem-#!. $.e. t)e un#a(fu# a%t$on of t)e Adm$n$st'at$on t)at 'esu#ted $n den!$ng staff mem-e's -ased $n Ne(*o'+. t)e "a!ment of "ost ad2ustment %a#%u#ated on t)e -as$s of t)e mu#t$"#$e' 8a#ue of 38.0 fo' t)e "e'$od f'om 1 August 2012 to 1 <e-'ua'! 2013I.

13. 4n 18 9a'%) 2013. t)e 9anagement @8a#uat$on Un$t 'es"onded to t)ose A"'"#$%ants ()o)ad 'e:uested management e8a#uat$on. ($t) a %o''$gendum $ssued on 20 9a'%) 20131. not$ng t)at t)e matte' (as not a"'"ea#a-#e unde' C)a"te' K of t)e /taff, u#es and t)at $t)ad no %om"eten%e to e8a#uate t)e 'e:uest.

! "

17. T)e A"'"#$%ants1 "'$n%$"a# %ontent$ons a'eA

a. ;n 8$e(of t)e 'es"onse of t)e 9@U. and $n #$g)t of staff 'u#e 11.25-6. a"'"#$%at$ons s)ou#d -e %ons$de'ed 'e%e$8a-#e ()et)e' o' not t)e A"'"#$%ants)ad f$#ed a 'e:uest fo' management e8a#uat$on "'$o' to t)e a"'"#$%at$on to t)e T'$-una#=

-.

%. T)e! (e'e ent$t#ed to a "ost ad2ustment mu#t$"#$e' of 38.0 fo' t)e "e'$od 1 August 2012 to 31 Janua'! 2013. t)e'efo'e. t)e de%$s$on affe%ts t)e A""#$%ants1 %ond$t$ons of se'8$%e and %onst$tutes a 8$o#at$on of t)e '$g)ts t)e! deta$n f'om t)e$' #ette' of a""o$ntment and /taff ,u#es and ,egu#at$ons=

d. T)e! do not %ontest t)e aut)o'$t! of t)e Gene'a# Assem-#! to a#te' %ond$t$ons of se'8$%e fo' t)e futu'e. $n%#ud$ng t)e met)od of %a#%u#at$on of t)e "ost ad2ustment. 'at)e'. t)e$' %#a$m $s #$m$ted to t)e 'emune'at$on fo' se'8$%es a#'ead! 'ende'ed. $n a%%o'dan%e ($t) t)e a""#$%a-#e 'u#es $n fo'%e at t)e t$me= t)at $s. t)e!)a8e not %ontested t)e defe''a# of t)e $n%'ease -! t)e ;C/C o' t)e Gene'a# Assem-#! 'e:uest of De%em-e' 2012 to sus"end t)e no'ma# o"e'at$on of t)e "ost ad2ustment s!stem. -ut 'at)e' t)e amount of 'emune'at$on "a$d to t)em -! t)e /e%'eta'!0Gene'a# $n Janua'! 2013=

te'ms of t)e A"'#$%ants1 %ont'a%ts and t)e "'$n%$"#e of non0'et'oa%t8t! and)ad a d$'e%t $m"a%t on t)e A"'#$%ants1 #ega# '$g)ts=

). T)e T'$-una# s)ou#d fo##o(t)e same 2u'sd%t$ona# $nte'"'etat$on as t)e fo'me' Adm$n$st'at$8e T'$-una# a"'#$ed to s$m$#a' %ases=

$. As su%). t)e de%$s$on t)e! a'e %ontest$ng %onst$tutes an adm$n$st'at$8e de%$s$on unde' t)e te'ms of a't. 2 of t)e T'$-una#1s /tatute and t)e a"'#$%at$ons a'e 'e%e$8a-#e rat one #ater ae=

2. 4n t)e me'$ts. t)e de%$s$on $s f#a(ed. -ot) "'o%edu'a##! and su-stant$8e#!=

+.

ad2ustment. at #east fo' (o'+ a#'ead! "'efo'med and t)e ;C/C. $n ta+$ng t)ese %onst'a$nts $nto a%%ount a%ted outs$de $ts aut)o'$t!=

n. T)e de%$s$on %onst$tutes a 8$o#at$on of a%:u$'ed '$g)ts. and as su%) of staff 'egu#at$on 12.1= t)e Gene'a# Assem-#! %annot #ega##! 'efuse to ma+e "a!ments ()$%) a'e due unde' t)e esta-#$s)ed 'u#es=

o. T)e /e%'eta'!0Gene'a# and t)e ;C/C %an on#! a%t $n a%%o'dan%e ($t) t)e #eg$s#at$on ado"ted -! t)e Gene'a# Assem-#!. $n%#ud$ng t)e /taff ,egu#at$ons and t)e 'u#es a""'o8ed -! t)e Gene'a# Assem-#! ($t) 'es"e%t to t)e "ost ad2ustment=

". 4n#! t)e Gene'a# Assem-#!)as t)e aut)o'$t! to %)ange t)e met)odo#og! fo' %a#%u#at$ng "ost ad2ustment. and ()$#e t)e ;C/C 'e%ommends t)e met)odo#og! to t)e Gene'a# Assem-#!. $t)as no aut)o'$t! to mod$f! $t o' d$s%'et$on $n "'omu#gat$ng $n%'eases due= fo##o($ng $ts 'e:uests to t)e ;C/C to 'e8$e(t)e met)odo#og!. t)e Gene'a# Assem-#!)ad made no %)ange ($t) 'es"e%t to t)e 'u#es go8e'n$ng t)e "ost ad2ustment=

:. T)e 'e:uest of t)e Gene'a# Assem-#! to 'esume no'ma# o"e'at$on of t)e "ost ad2ustment s!stem as of 1 <e-'ua'! 2013 ne8e' (ent -a%+ to t)e fu## ;C/C as 'e:u$'ed unde' t)e /tatute of t)e ;C/C. and t)e C)a$'man does not)a8e t)e aut)o'$t! to a%t on -e)a#f of o' %)ange ea'#$e' de%$s$ons of t)e fu## Comm$ss$on=

'. T)e de%$s$on to a""'#! a un$8e'sa# s!stem of %om"ensat$on to some "'ofess$ona# staff fo' $n%'eases $n %ost of #$8$ng and at t)e same t$me to den! t)e same to "'ofess$ona# staff mem-e's stat$oned $n Ne(*o'+ $s d$s%'$m$nato'! and %onst$tutes a 8$o#at$on of t)e "'$n%$"#e of e:ua# t'eatment=

s. T)e A""'#$%ants Ovcharenko et al. 'e:uest t)e T'$-una# to o'de' t)at t)e de%$s$on -e ent$'e#! o8e'tu'ned= a#te'nat$8e#!. t)e! 'e:uest t)e T'$-una# to o'de'A

'ate of 38.7 %ome $nto effe%t on#! as of 1 <e-'ua'! 2013. t)e ;C/C (as -ound to a%t a%%o'd$ng#!=

g. Unde' $ts /tatute. t)e ;C/C $s $nde"endent of t)e Un$ted Nat$ons /e%'eta'$at and %annot ta+e $nst'u%t$ons f'om an! 4'ganDaton ($t)$n t)e Common /!stem= $t $s 'es"ons$-#e fo' t)e %a#%u#at$on of "ost ad2ustment nd%es. %#ass$f$%at$ons and mu#t$"#$e's= on%e "'omu#gated -! t)e ;C/C. a "ost ad2ustment mu#t$"#$e' -e%omes $mmed$ate#! a""#$%a-#e t)'oug)out t)e Common /!stem= as su%). de%$s$ons of t)e ;C/C a'e -ndng u"on t)e mem-e's of t)e Common /!stem and t)e /e%'eta'!0Gene'a# does not)a8e an! d$s%'et$on o' aut)o'$t! $n t)$s 'es"e%t=

). Unde' a't. 2553 6 of $ts /tatute. de%$s$ons of t)e ;C/C must -e a""#$ed -! mem-e's of t)e Common /!stem f'om t)e date dete'm$ned -! t)e ;C/C= t)e on#! "ost ad2ustment mu#t$"#$e' $n effe%t fo' t)e "e'$od -et(een 1 August 2012 and 31 Janua'! 2013 (as t)at of 35.5. and t)e ;C/C d$d not "'omu#gate t)e 'e8$sed "ost ad2ustment mu#t$"#$e' of 38.7 unt$# 1 <e-'ua'! 2013= a%%o'd$ng#!. unde' t)e$' te'ms of a""o$ntment. t)e A""#$%ants (e'e on#! ent$t#ed to "a!ment of t)e "ost ad2ustme

2. T)e A"'"#$%ants1 %#a$m t)at t)e! (e'e not t'eated e:ua##! as ot)e' staff mem-e's)as no me'$t= t)e "ost ad2ustment mu#t$"#$e' $s dete'm$ned -! t)e ;C/C fo' ea%) dut! stat$on nd8$dua##!. and no t(o dut! stat$ons a'e e:ua#= a## staff mem-e's (e'e t'eated e:ua##!. $n t)at t)e /e%'eta'!0Gene'a# a"'"#$ed to t)em t)e 'e#e8ant mu#t$"#$e' "'omu#gated -! t)e ;C/C fo' ea%) dut! stat$on. $n%#ud$ng t)at fo' Ne(*o'+=

+. T)e T'$-una# does not)a8e t)e "o(e' to o'de' t)e Gene'a# Assem-#! and t)e ;C/C to ($t)d'a($ts de%$s$ons= t)e A"'"#$%ants1 %#a$m fo' 'et'oa%t$8e "a!ment of t)e "ost ad2ustment -ased on t)e 38 mu#t$"#$e' f'om 1 August 2012 to De%em-e' 2013 $s outs$de t)e s%o"e of t)e a"'"#$%at$ons. s$n%e t)e A"'"#$%ants on#! a"'"ea#ed t)e de%$s$on 'ef#e%ted $n t)e$' statement of ea'n$ngs and dedu%t$ons "'o8$ded to t)em on 30 Janua'! 2013. ()$%) %on%e'ns on#! "a!ment of t)e mu#t$"#$e' of 35.5 f'om 1 to 31 Janua'! 2013=

#. T)e a"'"#$%at$ons s)ou#d -e dsmssed.

1&. T)e a-o8e0'efe'en%ed a"'"#$%at$ons)a8e -een f$#ed -! se8e'a# "'ofess$ona# staff mem-e's. ()ose dut! stat$on at t)e 'e#e8ant "e'$od (as Ne(*o'+= s$n%e

> 2. T)e dut$es of a Judge "'$o' to ta+$ng a de%$s$on $n%#ude t)e ade:uate $nte'"'etat$on and %om"'e)ens$on of t)e a'"'#$%at$ons su-m$tted -! t)e "a't$es. ( )ate8e' t)e$' names. (o'ds. st'u%tu'e o' %ontent t)e! ass$gn to t)em. as t)e 2udgment must ne%essa'$#! 'efe' to t)e s%o"e of t)e "a't$es1 %ontent$ons. 4t)e' ($se. t)e de%$s$on0ma+e' (ou#d not -e a-#e to fo##o (t)e %o''e%t "'o%ess to a%%om"#$s))$s o')e' tas+. ma+$ng u")$s o')e' m$nd and e#a-o'at$ng on a 2udgment mot$8ated $n 'easons of fa%t and #a ('e#ated to t)e "a't$es1 su-m$ss$ons.
>
> 3. T)us. t)e aut)o'$t! to 'ende' a 2udgment g$8es t)e Judge an $n)e'ent "o (e' to nd8$dua#$De and def$ne t)e adm$n$st'at$8e de%$s$on $m"ugned -! a "a't! and $dent$f! ( )at $s $n fa%t -e$ng %ontested and so. su-2e%t to 2ud$%$a# 'e8$e (( )$%) %ou#d #ead to g'ant o' not to g'ant t)e 'e:uested 2udgment.

22. T)e T'$-una# notes t)at on t)e a'"'#$%at$on fo'm. t)e A'"'#$%ants stated t)at t)e %ontested de%$s$on (as t)e H'efusa# to "a! "ost ad2ustment -ased on t)e mu#t$"#$e' 38.0 ( )$%) -e%ame due fo' Ne (*o'+ on 1 August 2012I. as 'ef#e%ted $n t)e$' statements of ea'n$ngs and dedu%t$ons fo' Janua'! 2013. T)e T'$-una# fu't)e' 'e%a##s t)at t)e A'"'#$%ants $n t)e$' a'"'#$%at$ons st'essed t)at t)e! (e'e $n fa%t %ontest$ng t)e

adm$n$st'at$8e de%$s$on. ;n t)at Judgement. t)e A""ea#s T'$-una# found t)at t)e C$'%u#a' %onta$ned Ha## t)e ne%essa'! %om"onents 'efe''ed to $n An*ronov to g$8e '$se to #ega# %onse:uen%es fo' t)e st'$+$ng staffI and t)at H$t %onta$ned $nfo'mat$on ( )$%) affe%ted t)e '$g)ts of t)e staff mem-e's $n :uest$on. g$8en t)at $t (as -e$ng %#ea'#! %ommun$%ated to t)e 'e#e8ant staff mem-e's t)at dedu%t$ons (e'e go$ng to -e made f'om t)e$' sa#a'$esI.)en%e. H8$s0N08$s t)e st'$+$ng staff mem-e's $t)ad nd8$dua# a""#$%at$onI.

27. T)e s$tuat$on $n t)e "'esent %ase d$ffe's f'om t)e %ase of Al)urkh et al. ;n t)e #atte' %ase. t)e C$'%u#a' (as add'essed and a""#$ed to a %e'ta$n and %#ea'#! def$na-#e g'ou" of staff mem-e's ( )o)ad -een on st'$+e on t(o o' t)'ee s"e%$f$% da!s. and ( )o. t)e'efo'e. -! t)e$' o(n %on%'ete a%t$on. (e'e su-2e%ted to a %e'ta$n de%$s$on -! t)e Adm$n$st'at$on ? to ($t. a dedu%t$on f'om "a!'o##/annua# #ea8e on t)e -as$s of t)e "'$n%$"#e of no "a! fo' da!s not (o'+ed. T)us. t)e de%$s$on. t)oug) %o##e%t$8e. (as of nd8$dua# a""#$%at$on. and $ts a""#$%at$on (as %#ea'#! def$ned $n s%o"e and t$me. ;n t)e "'esent %ase.)o(e8e'. t)e "ost ad2ustment mu#t$"#$e' 35.5 $nstead of 38.0 (as a""#$ed fo' t)e "e'$od f'om 1 August 2012 to 31 Janua'! 2013 to a g'ou" of staff mem-e's def$ned e>%#us$8e#! -! t)e$' status and %atego'! ($t)$n t)e 4'gan$Dat$on. ;n 8$e(of t)e fo'ego$ng. and $n %ont$nuat$on of $ts 2u'$s"'uden%e T ntukas r et al.. t)e T'$-una# %on%#udes t)at $n a""#!$ng t)e test of An*ronov%0.04 -20.76 TdD[(de)3.847 66 (%)3.847 66 ($)-2.167 9 7 (16. 9 9 21 9 (

5%6 A##o(an%es and -enef$ts of staff ()$%) a'e dete'm$ned -!
t)e Gene'a# Assem-#!=

5d6 /taff assessment.

A't168(!)30(=)-2.167 9 7(138.24 -25.8 T dD[(A)2.167 9 167 9 7
e2.167 9 7(.)] T J D138.24 -251 9 (m)-21.67 9 6 9 (-)-0.