

Case No.

UNDT/GVA/2016/045

constitute a abandonment of "ost.. A%o'd\$ng#5 s!e u'ged t!e A""#\$%ant to est!e' 'e"o't fo' dut\$ \$mmed\$ate#5 o' to "'o+\$de a "#aus\$(#e e8"#anat\$on fo' !\$s a(sen%e.

7. T!e A""#\$%ant 'e"#sed on 14 ; %(e' 2015\$ den\$ng to !a+e a(andoned !\$s "ost and 'este'at\$ng t!at !e 0as s\$%7 and unde' t'eatment. T!e C!\$ef& 9 ?=& 'e"#sed on 16 ; %(e' 2015 t!at -)CT* a%%e"tBedC Bt!e A""#\$%ant>sC elma\$# as a fo'ma# 'e<uest of 'e+\$e0 of B!\$sC %ase. and as7ed !\$m& \$n t!\$s %onne%t\$on& to %!oose& (5 2 ; %(e' 2015& (et0een \$dent\$f\$ng an \$nde"endent "'a%t\$one' a%%e"ta(#e to (ot! t!e Un\$ted Nat\$ons 2 ed\$a# D\$'e'to' and !\$mse#f& o' !a+\$ng t!e %ase su(m\$tted to a 2 ed\$a# ?e+\$e0 @oa'd. 9e 0as ad+\$sed t!at fa\$#u'e to ma7e a %!o\$%e 0\$t!\$n t!e dead#&ne& 0ou#d t'\$gge' t!e "'o%edu'es fo' a(andoned of "ost. @5 ema\$# of 2 ; %(e' 2015& t!e A""#\$%ant %!ose to !a+e !\$s %ase su(m\$tted to a 2 ed\$a# @oa'd.

D.)n #g!t of t!e A""#\$%ant>s %!o\$%e& t!e C!\$ef& 9 ?=& u'ged !\$m& on 26 ; %(e' 2015& to su(m\$t t!e name of !\$s se#e'ted med\$a# "'a%t\$one' (5 0 ; %(e' 2015. T!e A""#\$%ant d\$d so on 27 ; %(e' 2015.

E. As of m\$d!De%em(e' 2015& t!e @oa'd !ad not 5et (een %on+ened& seem\$ng#5& at #east \$n "a't& as t!e "!5s\$%an des\$gnated (5 t!e A""#\$%ant !ad not %onta'ted t!e ; 'gan\$Aat\$on>s med\$a# se'+\$%e. @5 ema\$# of 22 De%em(e' 2015& t!e C!\$ef& 9 ?=& \$nfo'med t!e A""#\$%ant t!at !\$s %ont'a%t 0ou#d (e e\$ttended unt\$# 1 Janua'5 2016 -fo' t!e so#e "u"ose of %on%#ud\$ng t!e 2 ed\$a# @oa'd.. 9\$s a""o\$ntment 0as su(se<uent#5 'ene0ed aga\$n& "end\$ng %om"#et\$on of t!e @oa'd>s 'e+\$e0.

10. T!e 2 ed\$a# @oa'd& \$n%#ud\$ng t!e A""#\$%ant>s des\$gnated "!5s\$%an& !e#d sess\$on on 22 4e('ua'5 2016.)t 'ende'ed a 'e"o't dated 2E 4e('ua'5 2016& %om"#emented (5 an atta%!ment dated 5 2 a'! 2016& %on%#ud\$ng t!atF

a. T!e 6 August 2015 ad+\$%e of t!e e8te'na# med\$a# e+a#uat\$on 'e"o't 0as \$n%o' 'e%t fo' se+e'a# 'easonsG

(. The Applicant's stated intention to work should have stated the

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0as st## s%7 and una(he to 0o'7. 9a+\$ng o(ta\$ned no 'e"#5& !e 'e\$te'ated !\$s

22. @5 ; 'de' No. 176 ,GVA/2016/ of 0 August 2016 t!e T'\$(una# 'e<usted addt\$ona# \$nfo'mat\$on f'om (ot! "a't\$es and \$n+\$ted t!em to f\$#e %omments& \$f an5& on \$ts \$ntent\$on to dete'm\$ne t!e %ase on t!e (as\$s of t!e O '\$tten su(m\$\$s\$ons.)n 'es"onse& t!e A""#\$%ant and t!e ?es"ondent made fu't!e' su(m\$\$s\$ons on 6 =e"tem(e' 2016 and 12 ; %to(e' 2016& 'es"e%t\$+e#5. None of t!em o(3e%ted to t!e %ase (e\$ng ad3ud\$%ated O\$t!out !o#d\$ng an o'a# !ea'sng.

Parties' submissions

2 . T!e A""#\$%ant>s "'\$n%\$"a# %ontent\$ons a'eF

a. T!e'e \$s no 2 ed\$a# @oa'd 'e'o't \$n 'e#at\$on to !\$s f\$tness to 'esume Oo'7 nest!e' on t!e date o'\$g\$na##5 set fo' t!e e8"\$'at\$on of !\$s %ont'a%t& 1 De%em(e' 2015& no' on t!e date of !\$s a%tua# se"a'at\$on& 14 2 a'! 2016G

(. Pu'suant to se%. 4.E of =T/A)/201 /1& !\$s a""o\$ntment s!ou#d !a+e (een e8tended fo' t!e 'ema\$ng of !\$s s\$%7 #ea+e ent\$t#ement& s"e"\$f\$a##5& 7E da5s of s\$%7 #ea+e O\$t! !a#f "a5G

%. T!e A""#\$%ant %ommun\$%ated O\$t! t!e)CT* Adm\$n\$st'at\$on I 9 ?= \$n "a't\$%u#a' I s!o't#5 afte' !a+\$ng (een ad+\$sed of t!e non!'eneOa# of !\$s %ont'a%t& e8""ess#5 stat\$ng t!at !e Oas st## s\$%7. A med\$a# 'e"o't "'o+\$ded to t!e A""#\$%ant s!oOs t!at !e Oas una(#e to "e'fo'm Oo'7 s\$ne t!e da5 of !\$s se"a'at\$on unt\$# t!e f\$#ng of !\$s a""#\$%at\$onG and

d. T!e A""#\$%ant Oas not\$f\$ed on#5 one mont! #ate' ,14 A""#\$ 2016/ of t!e de%\$\$on to se"a'ate !\$m on 14 2 a'! 2016.

24. T!e ?es"ondent>s "'\$n%\$"a# %ontent\$ons a'eF

a. T!e A""#\$%ant d\$d not meet t!e 'e<u\$'ements fo' an e8tens\$on of a""o\$ntment unde' =T/A)/201 /1& O!\$% ! %an on#5 (e g'anted fo' a 'e't\$f\$ed \$##nessG

(. 4o' an \$##ness to (e 'e't\$f\$ed& as "e' =taff ?u#e 6.2,f/ and se%. 2.1 of =T/A)/2005/ ,=\$%7 :ea+e/& a staff mem(e' s!a## \$nfo'm !\$s o' !e'

en%um(e'ed& as "a't of t!e staff do0ns\$A\$ng "'o%ess \$n t!e f'ame0o'7 of t!e)CT*
%#osu'e st'ateg5. T!e'e \$s no \$nd\$%at\$on 0 !atsoe+e'& no' does t!e A""#\$%ant %a\$m&

Obligations of staff members

,f/ =taff mem(e's s!a## \$nfo'm t!e\$' su"e'+\$so's as soon as "oss\$(#e of a(sen%es due to \$##ness o' \$n3u'5. T!e5 s!a## "'om"t#5 su(m\$t an5 med\$a# %e'tf\$%ate o' med\$a# 'e"o't 'e<u\$'ed K

,g/ A staff mem(e' ma5 (e 'e<u\$'ed at an5 t\$me to

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%. Oas to "'og'ess\$+e#5 (u\$#dlu" f'om "a'tit\$me 0o'7 to 'esume fu##It\$me 0o'7 (5 1 2 a'% ! 2016.

4. T!e A""#\$%ant d\$sd not 'e"o't to 0o'7& e+en "a'tit\$me& at an5 "o\$nt. 9e stated (5 ema\$# t!at !e Oas st\$## s\$%7& (ut \$t a""ea's f'om t!e 'e%o'd t!at (et0een August 2015& 0!en t!e e8te'na# med\$%a# e+a#uat\$on 'e"o't Oas \$ssued& and 2 a'% ! 2016& !e "'esented no med\$%a# %e'tsf\$ate o' med\$%a# 'e"o't su""o't\$ng !s asse't\$on& as staff 'u#e 6.2,f/ "'es%'\$(es. T!\$s not0\$t!stand\$ng& t!e ;'gan\$Aat\$on e8tended t!e A""#\$%ant>s a""o\$ntment at #east t0\$e afte' t!e effe%t\$+e date of a(o#st\$on of !s "ost.)t t!e'e(5 \$nte""'eted t!e a""#\$%a(#e #ega# f'ame0o'7 'at!e' fa+ou'a(#5 fo' t!e staff mem(e'& as !s s\$%7 #ea+e Oas no #onge' %e'tsf\$ed on a fu##It\$me (as\$s at t!at "o\$nt.

5. 2 o'eo+e'& g\$+en t!at t!e A""#\$%ant ostens\$(#5 o""osed to t!e %on#us\$ons of t!e e8te'na# med\$%a# e+a#uat\$on& t!e ;'gan\$Aat\$on ga+e !\$m t!e %!o\$e (et0een t!e t0o me% !an\$sms en+\$saged \$n staff 'u#e 6.2,3/ \$n %ase of a d\$s"ute on a s\$%7 #ea+e de%ss\$on. @5 e8""#\$%st#5 o't\$ng fo' t!e 2 ed\$%a# @oa'd and des\$gnat\$ng t!e "'a'tst\$one' to (e se#e%ted (5 t!e staff mem(e'& !e a%<u\$es%ed to t!\$s Oa5 fo'0a'd.

6. A 2 ed\$%a# @oa'd Oas %onst\$tuted& %om""\$s\$ng one mem(e' se#e%ted (5 t!e staff mem(e'& as 'e<u\$'ed (5 staff 'u#e 6.2,7/. J!en \$t %ou#d f\$na##5 meet& \$t %ondu%ted \$ts o0n assessment of t!e A""#\$%ant>s state of !ea#t!.)n s"\$te of some %'st\$%ssm of t!e "'so' e8te'na# med\$%a# e+a#uat\$on& \$t endo'sed \$ts o+e'a## +\$e0 t!at t!e A""#\$%ant Oas f\$to 'esume 0o'7 on a "a'tit\$me (as\$s as f'om 1 De%em(e' 2015 and to %a'5 out !s dut\$es fu##It\$me as of 1 2 a'% ! 2016. T!\$s (e#ses t!e A""#\$%ant>s %ontent\$on t!at no 2 ed\$%a# @oa'd 'e"o't Oas \$ssued \$n 'e#at\$on to !s f\$tness to 'esume 0o'7 ne\$t!e' on t!e date o'\$g\$na##5 set fo' t!e e8"\$'at\$on of !s %ont'a%t& 1 De%em(e' 2015& no' on t!e date of !s a%tua# se'a'at\$on& 14 2 a'% ! 2016.)nstead& t!e 2 ed\$%a# @oa'd "'onoun%ed \$tse#f on t!\$s +e'5 "o\$nt& and deemed t!e A""#\$%ant f\$to fo' 0o'7 as of 1 2 a'% ! 2016. T!\$s so#+ed& \$n t!e negat\$+e& t!e <uest\$on as to 0!et!e' t!e A""#\$%ant Oas to %ont\$ne on s\$%7 #ea+e status at a## (e5ond t!at date.

41. The applicant of the appeal filed with the Tribunal on 14 February 2017 is not entitled to a refund of the amount paid to the Tribunal for the appeal proceedings.

Late notification of the decision to separate the Applicant

42. After the appeal proceedings were closed, the applicant was notified of the decision to separate the applicant from the rest of the staff of the Tribunal on 14 February 2017. The applicant claims that the Tribunal should have notified him of the decision to separate him from the rest of the staff of the Tribunal earlier, on 14 February 2016. The Tribunal found that the applicant was notified of the decision to separate him from the rest of the staff of the Tribunal on 14 February 2017, which is the date of the decision to separate him from the rest of the staff of the Tribunal.

43. The Tribunal found that the applicant was notified of the decision to separate him from the rest of the staff of the Tribunal on 14 February 2017, which is the date of the decision to separate him from the rest of the staff of the Tribunal. The Tribunal found that the applicant was notified of the decision to separate him from the rest of the staff of the Tribunal on 14 February 2017, which is the date of the decision to separate him from the rest of the staff of the Tribunal.

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