

INTRODUCTION

1. The Applicant is an Administrative Officer, at the FS-6 level, with the United Nations Interim Security Force for Abyei (UNISFA). He filed an application on 25 October 2016 contesting the decision to transfer him and the Outstation Management Unit (OMU) to the Joint Logistics Operation Centre (JLOC).

8. The Applicant seeks the rescission of the contested decision and an Order that should it be considered necessary to move him from OMU to JLOC any such move should be within his functional title of Administrative Officer at the current level or one grade higher. He also seeks compensation for harm suffered both physically and mentally.

THE REPLY

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functions for two performance cycles receiving end of cycle ratings of "successfully meets expectations" for the period 2013 to 2015. Further that his primary functions as an Administrative Officer remain the same.

14. In response to the allegation of improper motive and abuse of power, the Respondent makes the point that the burden of proof lies with the Applicant and that he has provided no evidence in support of this allegation.

15. The Respondent's final point is that the Applicant's appointment had been renewed to 31st

19. By email dated 30 April 2016, the CMS informed the Applicant that he was expected to move to JLOC's office by 3 May 2016. The Applicant moved to JLCO on 3 May 2016.

20. On 14 June 2016, the Applicant requested management evaluation of the CMS's decision to transfer him and the entire OMU to the JLOC.

21. By letter dated 29 July 2016, the Under-Secretary-

which are, in the judgement of the responsible officials, necessary and or desirable to meet the Organization's operational needs. In the absence of any evidence of impropriety, ulterior motive or arbitrariness, the Tribunal does not have power to interfere because to do so would in fact amount to the Tribunal usurping the functions of management of the Organization's financial and human resources.

31. The IOM of 17 April 2016 from Elijah Karambizi, CMS to all Service and Section Chiefs and Mission Support Component indicates that the decision was of a general kind pursuant to the restructuring and was not a decision of individual application to the detriment of the Applicant. Accordingly, the Tribunal finds that the application is not receivable *rationae materiae*.

32. In any event, the Applicant has provided no arguable case that the restructuring which resulted in his move to another position was motivated by abuse of power, ill will directed against his own interests or any other improper motive.

Judgment

The Application is dismissed.
