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Introduction

1. The Applicant is an Information Technology Assistant at the United Nations Disengagement Observer Force (UNDOF) based at Camp Ziouani, Amret Al-Faouar, Syrian Arab Republic. He serves at the FS-5 level.

2. On 6 February 2015, he filed an Application for Suspension of Action, pending management evaluation, seeking the suspension of the decision of the International Civil Service Commission (ICSC) not to approve a four-week rest and recuperation (R&R) cycle for staff members serving west of the “Alpha Line” in the “Area of Limitation” of UNDOF

To appeal an administrative decision that is alleged to be in noncompliance with the terms of appointment or the contract of employment. The terms “contract” and “terms of appointment” include all pertinent regulations and rules and all relevant administrative issuances in force at the time of alleged noncompliance [...].

15. The current Application purports to challenge the decision of the ICSC not to approve a four-week R&R cycle for staff members such as himself serving at Camp Ziouani Amret Al-Faouar, Syrian Arab Republic. The issue for determination in this case is whether the ICSC’s actions or omissions can be deemed to be that of the Secretary-General and therefore of the Administration. This issue was considered by Boolell J in *Obino* where the Learned Judge concluded:

In view of the fact that art. 2.1(a) of the UNDT Statute expressly states that the Tribunal is competent to hear and pass judgment on an application filed by an individual “against the Secretary-General of the United Nations”; the Tribunal cannot extend its jurisdiction to include decisions made by the ICSC, regardless of how those decisions are couched to appear like decisions of the Secretary-General¹.

16. The Appeals Tribunal in *Obino* also held that the ICSC takes binding decisions in some matters such as hardship elements like R&R².

17. The Tribunal concludes that the Applicant is not challenging an administrative decision within the meaning of art. 2.1(a) of the Tribunal’s Statute.

Conclusion

18. In view of the foregoing, the Tribunal concludes that the current Application is not receivable and is therefore rejected.

¹ At para. 48.

² At paras. 20 and 21.

Case No. UNDT/NBI/2015/033

Order No. 058 (NBI/2015)

(Signed)

Judge Nkemdilim Izuako

Dated this 11th day of February 2015

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