



Before: Judge Ebrahim-Carstens

Registry: New York

Registrar: Santiago Villalpando

JAEN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON SUSPENSION OF ACTION

Counsel for Applicant:

Nicholas Christonikos

Counsel for Respondent:

Stephen Margetts, ALS/OHRM, UN Secretariat

Sarahi Lim Baró, ALS/OHRM, UN Secretariat

Notice: This Order has been corrected in accordance with the Rules of Procedure of the Dispute Tribunal.

Case No. UNDT/NY/2011/005

Order No. 13 (NY/2011)

limited to service with the ICSC. Since 2004 the Applicant has been on a series of fixed-term appointments at the P-2 level and has been receiving SPA at the P-3 level, effective retroactively 1 January 2004. On 7 January 2011 the Applicant received an email from an official in the OPPBA Accounts Division, sent in response to her enquiry of the same date, stating that:

After checking the system, yes indeed the SPA to the P-3 expired on 31 December 2010, therefore for the month of January 2011 you will be paid at the original level which is P-2-12 unless the SPA is extended and for this to happen this month the PA should be done and approved before the cut-off date which is on Mon[day] 17 Jan[uary] 2011.

5. On 7 January 2011 the Applicant filed a request for management evaluation.

Preliminary observations

6. In a separate case involving the same parties—Case No. UNDT/NY/2009/098—the Applicant contested the decision not to reclassify the P-2 post encumbered by her to the P-3 level. In JaenUNDT/2010/165, rendered on 17

and art. 14 of the Rules of Procedure (interim measures during the proceedings). Of course, whether or not such application would be granted would depend on further determination by the Tribunal.

8. In her application the Applicant identified the “Chairman of the International Civil Service Commission” as the Respondent in the present case. At the time of the submission of her application, the Applicant was self-represented. I explained to the Applicant at the hearing that, for the purposes of the proceedings before the Dispute Tribunal, the Secretary-General appears as the Respondent before the Tribunal in his representative capacity regardless of the actual entity involved in the matter. The Secretary-General is therefore always cited as the Respondent in all cases. The Applicant agreed to the amendment of her application and the Respondent’s Counsel did not object to proceeding on this basis.

Conclusion

9. Having carefully considered the facts before it and the submissions made by both parties, the Tribunal grants the application for suspension of action during the pendency of the management evaluation. A reasoned order shall follow in due course.

