



Case No.: UNDT/NY/2013/019
Order No.: 84 (NY/2013)
Date: 4 April 2013

Introduction

Application on the merits

1. On 28 March 2013, the Applicant, a staff member of the United Nations Stabilization Mission in Haiti (“MINUSTAH”), filed an application contesting the decision taken on 28 November 2012 by the Assistant Secretary-General for Central Support Services to remove his designation as Chief Procurement Officer, Procurement Section, MINUSTAH. The application was registered under Case No. UNDT/NY/2013/019.

2. Following the contested decision, the Applicant was removed from the Procurement Section and, on 6 December 2012, reassigned to the Office of the Officer-in-Charge for Administrative Services, MINUSTAH. Subsequently, on 6 March 2013, the Applicant was reassigned to the post of Chief of Staff Counseling and Welfare Unit, MINUSTAH.

Motion for interim measures

3. Along with his applicati

procurement. In July 2010, he was reassigned as Chief Procurement Officer (P-4 level) at MINUSTAH. No formal request was made for his designation to perform procurement functions at MINUSTAH as he had been cleared for similar functions previously when he was Officer-in-Charge of the Procurement Section at the United Nations Organization Mission in the Democratic Republic of the Congo (“MONUC”) in 2008–2010, during which period he was a P-4 Procurement Officer serving on special post allowance at the P-5 level.

7. For the period of 2010 to 2011, the Applicant’s performance was rated as “exceeding performance expectations” at MONUSCO and “competent performance” at MINUSTAH. For the period of 2011 to 2012, the Applicant’s overall performance was rated as “exceeding performance expectations”. In the evaluation report for the period 2011 to 2012, which was finalized in May 2012, the Applicant’s first reporting officer described him as “an outstanding procurement professional [who] achieves results and [is] very capable”. The Applicant’s second reporting officer (Director of Mission Support, MINUSTAH) provided the following comments in the Applicant’s evaluation report:

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9. On the same date (5 December 2012), the Applicant was also provided with a memorandum from the Director of Mission Support, MINUSTAH, dated

14.

Observation

20. The Tribunal notes that, although the Applicant, represented by the Office of Staff Legal Assistance (“OSLA”), used the correct form for the filing of the present motion, he made significant amendments to the structure and the content of the form. As a result, the form used by the Applicant was, in effect, not the form approved by the Tribunal. The parties are reminded that they are expected to use the template forms as adopted by the Tribunal and posted on the Tribunal’s website.