



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2016/012
Order No.: 189 (NY/2016)
Date: 4 August 2016
Original: English

Before: Judge Alexander W. Hunter, Jr.

Introduction

1. On 5 April 2016, the Applicant, a Human Rights Officer at the P-4 level in the United Nations Stabilization Mission in Haiti (MINUSTAH), filed an application contesting a decision or decisions identified as follows:

... I submit that the refusal by Medical Service Division New York to take a decision in regards to my sick leave for the past 11 months is unreasonable to a point where it has become unlawful.

... Being asked over and over again to provide additional

(email, facsimile, postage) of transmission, and which office or department it was sent to. The Respondent is to confirm whether each of the items has been received by the Organization.

d. By reference to the requirements and time limits specified in staff rules 5.1(e)(ii) and 6.2(d), and sec. 2.1 of ST/AI/2005/3/Amend.1, the Respondent is to provide a further explanation as to the reason(s) why “[n]o final administrative decision refusing to certify the Applicant’s absence from work as sick leave has been taken” and:

The Applicant has received his salary in full from March 2015 onwards. His absence has not been recorded in the Umoja, the system used to record leave and process benefits and entitlements. His absence has therefore not been recorded as unauthorized or special leave with pay, and it has not been charged against annual.

e. The Applicant is to state whether he agrees with the Respondent’s submission that no final decision has been made refusing to certify his absence from work as sick leave and, if so, how the lack of such a final decision affects his terms of appointment so as to bring this issue within the Tribunal’s jurisdiction in accordance with art. 2.1 of the Dispute Tribunal’s Statute.

f. The parties are to state whether they consider that an administrative decision was taken regarding the Applicant’s clearance, or lack of clearance, for return to duty and, if so: (i) the particulars of this decision, and (ii) whether this is a receivable element of the application. In particular, the Applicant is to state whether he has requested management evaluation regarding any such decision, and/or any effect that this may have had on his rights, benefits and entitlements. If so, he is to provide a copy of such request.

g. By reference to the relief requested in his application, and specifically referred to at para. 2(a) of this order, the Applicant is to state which rights, benefits and entitlements, if any, that he considers he has been denied as a result of the date that he resumed his duties.

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 4th day of August 2016