

Introduction

1. The Applicant is a Programme Management & Finance at the P3 level in the United Nations Contingent and Logistics Team, integrated Programme and Logistics Division (Section for Operations of the United Nations Logistics and Finance/UN&DC12 based in Vienna, Austria.

2. On 26 July 2012, he contests the decision of UN&DC to find him negligent for a P4 cost of 5e \$esentat (6u3'5eg'ona! &ff"#e fo\$ the Gulf Cooperation Council Count\$es /0GCC12+ 7o3 o en"ng num3e\$ 11'D5U' UN&99,C: &N D5UG6 AND C5,% : '1;<<='5'A-U D>A-, /?2 /0P'4 cost.

Background facts

3. The Applicant entered into the service of the United Nations in 1984. He was promoted to the P3 level in 1992 and in 2006 his field team assignment was renewed into a permanent assignment. As of 1 July 2007 he was selected to serve on an assignment at the P4 level to the cost of 5eg'ona! Programme Coordination for the GCC, UN&DC in Vienna. He was informed that upon completion of his assignment, he would be eligible for his normal P3 cost.

4. In January 2007, the Applicant applied for the position of General Programme Coordination in Abu Dhabi, at the P4 level /VA Num3e\$ 0; 'P%G' UN&DC'42034='5'A3u Dha3"2. This (a#an#* announcement was announced in March 2007.

4. In March 2007, the Director of UN&DC made a decision to appoint the Applicant to an P4 cost as Programme Coordination in Abu Dhabi. He noted that he needed to be in this cost and this decision was the basis for the decision on 4 December 2007.

6. The Applicant subsequently contested the decision to no longer be assigned him to a second field P4 cost and this Tribunal set aside his application in

14. The respondent's argument is that pursuant to section 6.1 of 6T/A./2010/3 Staff Regulations, the Arbitral Tribunal as at the time of his appointment for the P4 post was at the P3 level when he was appointed to a P4 post.

Consideration

16. The main issue to be determined is whether or not the Arbitral Tribunal was appointed to a P4 post as of 14 July 2011.

17. Section 6 of 6T/A./2010/3 Staff Regulations states as follows:

6.1 Staff members holding a permanent appointment shall not be eligible to a P4 post unless more than one level higher than the employee grade. Staff members in the Geneva Office and related categories holding a permanent appointment shall not be eligible to a P4 post unless more than one level higher than the Geneva Office and related categories shall not be eligible to meet the requirements of the post.

18. As of 14 July 2010, the Arbitral Tribunal was appointed to a P3 post. However, he continued to be appointed as at the date of his appointment to the P3 post. The respondent's argument is that the Tribunal should be considered to have been appointed to his permanent appointment at the Geneva P3 grade as a result of the effect of 14 July 2010.

19. It is a P4 post unless more than one level higher than P3. It follows from the above that a staff member at the grade of P3 holding an offer of the stated terms of appointment shall not be eligible to a P4 post, the Arbitral Tribunal holds a permanent appointment and was a P3 as at the time of his appointment for the P4 post.

20. Therefore, the decision to include the Arbitral Tribunal from his appointment for the P4 post is legal.

21. The Tribunal does not have to be considered whether the Arbitral Tribunal had been notified of the post at the P4 level before it had been appointed.

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