

Introduction

1. The applicant filed on 13 June & 2013 the A55% ante a)eno" A55ea\$ Course\$ 8P.9: at t&e 'nte"nat%ona\$ C"m%na\$ T"%!una\$ fo" t&e fo"me" 4ugos\$a0%a 8; 'CT4<:6 ontests t&e de %s%on dated 2= August 2012 !7 >&% & &e" f%"st "e5o"t%ng off% e" &ad &e" "eas%nged f"om t&e A55ea\$s D%O%s%on of t&e 'nte"nat%ona\$ T"%!una\$ to ot&e" fun t%ons% n \$ud%ng 5"o0%d%ng su55o"t to a num!e" of teams %n manag%ng tas?s "e\$ated to a 5"o0e t fo" g%0%ng a used 5e"sons a ess to onf%dent%a\$ t"%a\$ mate"%a\$s 8t&e A ess P"o0e t:6 and a""7%ng out ot&e" dut%es fo" t&e (ff% e of t&e P"ose uto".

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3. T&e A55% ant ente"ed t&e se"0% e of 'CT4 %n 2006 and >as a55o%nted to t&e 5ost of)eno" T"%a\$ Atto"ne7 8P.9: on 19 2 a7 2006 fo" a one.7ea" ont"a t. 'n 2 a7 2007% &e" ont"a t >as eCtended and &e" 0o! t%t%e >as &anged %n &e" \$ette" of a55o%ntment to)eno" A55ea\$s Course\$. 3e" a55o%ntment >as "egusa"\$7 eCtended f"om t&at t%me on>a"d% and s&e %s u""ent\$7 se"0%ng aga%ns1.33292 (n) -0.295585

13. On 7 February 2013, the President informed the AS that the contested decision would not be implemented and that she would "remain in &" post in the AS as Director but would nonetheless "remain assigned to assist" the President.

14. That same day, 2013, the President's management evaluation request stated that the request was moot as the contested decision had not been implemented.

19. On 2 August 2013, the respondent notified the AS that the AS had () 2 94 a 2 (&) - 0. 2 98854 () 3 .588

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Case No. UNDT/GVA/2013/010

Judgment No. UNDT/2013/170

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39. Regulation 1.2 of the Staff Regulations of the United Nations states that staff members are subject to the authority of the Secretary-General and to assignment to any of the activities of the United Nations. According to article V of the Administrative Instructions (T/A/23D/Rev.1) Administration of the Staff Regulations and Staff Services: a measure to assign staff members to any of the departments of the United Nations under Regulation 1.2 of the Staff Regulations falls within the authority of the heads of departments of the United Nations. The Appellate Tribunal has previously held that the Administrative Instructions load duties upon the staff as seen in its judgments of 2013.UNAT.32, 2013.UNAT.262 and 2011.UNAT.167.

36. The Regulation and Instructions created a new effective position of the

Conclusion

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Judge Jean. - "an/o%\$ Cous%n

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