

UNDT/2010/043, Ihekwaba

UNAT Held or UNDT Pronouncements

Receivability: Although the applicant accepted the assignment, this does not mean that all decisions taken by the Administration with respect to the applicant must be deemed correct and lawful. The Organization's decision to base its calculation of the applicant's salary on her net income constitutes an administrative decision affecting her contractual right to proper remuneration and the case is therefore receivable. Salary calculation: ST/IC/2007/24 and ST/AI/2000/1 articulate that all G-level staff will be receiving an SPA to the P-2 level. Pursuant to provisional staff rule 3.10(d), the calculation of a staff member's remuneration while he or she is on an SPA depends on the salary that the staff member would have received had he or she been promoted to the P-2 level. Accordingly, the calculation of remuneration and step level are subject to provisional staff rule 3.4. Under provisional staff rule 3.4, the calculation of the step level should have been (and was) based on the net base salary. The applicant has failed to show that the bases for the calculation of her salary, including provisional staff rules 3.4 and 3.10, are discriminatory against high step G-7 level staff or otherwise improper. Outcome: The applicant's assertion that her gross income cannot be lower as a result of her being placed on SPA to the P-2 level finds no support in any regulation, rule, or administrative instruction before the Tribunal in this case. The application was dismissed.

Decision Contested or Judgment/Order Appealed

The applicant claims that, although the applicant's net income has increased, her gross salary decreased as a result of her placement on the SPA, and this is detrimental to her.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Ihekwaba

Entity

UN Secretariat

Case Number(s)

UNDT/NY/2010/049

Tribunal

UNDT

Registry

New York

Date of Judgement

18 Mar 2010

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

TEST -Rename- Benefits and entitlements-45

Special Post Allowance

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

Administrative Instructions

- ST/AI/2000/1

Former Staff Rules

- Rule 103.9

Information Circulars

- ST/IC/2007/24

Provisional Staff Regulations and Rules

- Rule 3.10
- Rule 3.4